

MEDIA SUSTAINABILITY INDEX 2001

The Development of Sustainable Independent Media in Europe and Eurasia

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IREX is an international nonprofit organization, headquartered in Washington, DC, with branch offices and representatives in more than 25 countries of Eastern Europe, the New Independent States (NIS), Asia, and the Near East. IREX was founded in 1968 as the first US organization to conduct bilateral educational programs with the Soviet Union and Eastern Europe. Over the past 10 years IREX has successfully broadened its training scope and reach, becoming a leader in delivering technical assistance in all aspects of building civil society.

IREX has implemented media development and education programs since the early 1990s in more than 15 countries of Eastern Europe and Eurasia. Since that time, IREX has received funding in support of its media development projects from USAID, the US Department of State, the Carnegie Corporation of New York, the Open Society Institute, the Pew Charitable Trusts, Press Now, Swedish Helsinki Committee, and the United Nations Development Program, among others.

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Introduction

Mark G. Pomar, President
IREX

I am pleased to present the Media Sustainability Index (MSI), which analyzes and measures the current status and sustainability of independent media systems in twenty countries throughout Europe and Eurasia.¹ The MSI was designed in collaboration with USAID over the past year as a tool to measure the current state of media development, as well as to assess changes in media systems over time. Research for the country chapters and panel discussions of experts for each chapter were undertaken in May and June of 2001.

Several surveys and research studies have examined particular aspects of media systems, most notably the paramount indicator of a healthy media system, freedom of speech. The Committee to Protect Journalists, Freedom House, and others have prepared widely used and respected surveys and reports on aspects of free speech. IREX and USAID often rely on these surveys for analysis and assessment, and we also drew on them in developing the MSI.

However, the healthy and sustainable development of free and independent media depends on more than just free speech. IREX and USAID determined the need to develop a broader tool—one that would help media development professionals assess the state of independent media in a given country. Free and independent media must operate as sound businesses to avoid both the need for sponsors and patrons who may have political motives, and the possible capitulation to government pressure. Media outlets and journalists must be supported by trade and professional associations that represent their interests and protect the values of free speech and independence. Media outlets and journalists must employ sound professional and ethical journalistic and editorial practices to ensure the ability of citizens and policy-makers to gather the information necessary to participate in democratic and free-market institutions. The MSI seeks measure these and other factors that characterize a sustainable independent media system.

IREX also designed the MSI to be applied to any country in the world. Countries with advanced independent media, such as the United States and many Western European countries, can be assessed with the MSI; so too can repressive states such as Belarus or states in Asia, Latin America, or Africa. This first iteration of the MSI was targeted at European and Eurasian countries where USAID has significant media projects.

Conducting the research and preparing the analysis for twenty countries was a difficult undertaking. For each country a panel consisting of representatives drawn from local media, NGOs, USAID, and other international or local media actors gathered to measure their country's performance against the MSI indicators. The moderator or an IREX representative wrote up the findings of the discussion panel; the analysis in this report is based on the moderator's summary. IREX field and DC media development staff also separately analyzed each country's performance against the indicators. The ratings of the discussion panel and IREX were averaged to obtain the scores contained in this report. We believe this approach provides a unique and comprehensive view of media development, combining the perspectives of media "insiders" in each country with those of international and local media development professionals.

The study points to promising signs in some countries. Croatia, Bulgaria, and Romania appear to have the most developed independent media systems, although further development is needed before they can be judged sustainable. Other countries, notably Belarus, the Central Asian Republics, and to a lesser extent Ukraine, have poorly developed independent media. However, the analyses identify areas that hold

¹ Although Serbia, Montenegro, and Kosovo are legally part of the Federal Republic of Yugoslavia, they were analyzed as distinct countries. Over the past several years, Kosovo has operated under UN supervision while Montenegro has operated as a separate country in many respects, including in its relations to media. This does not represent a political opinion on the current or future political status of FRY or its constituent members on the part of IREX or USAID.

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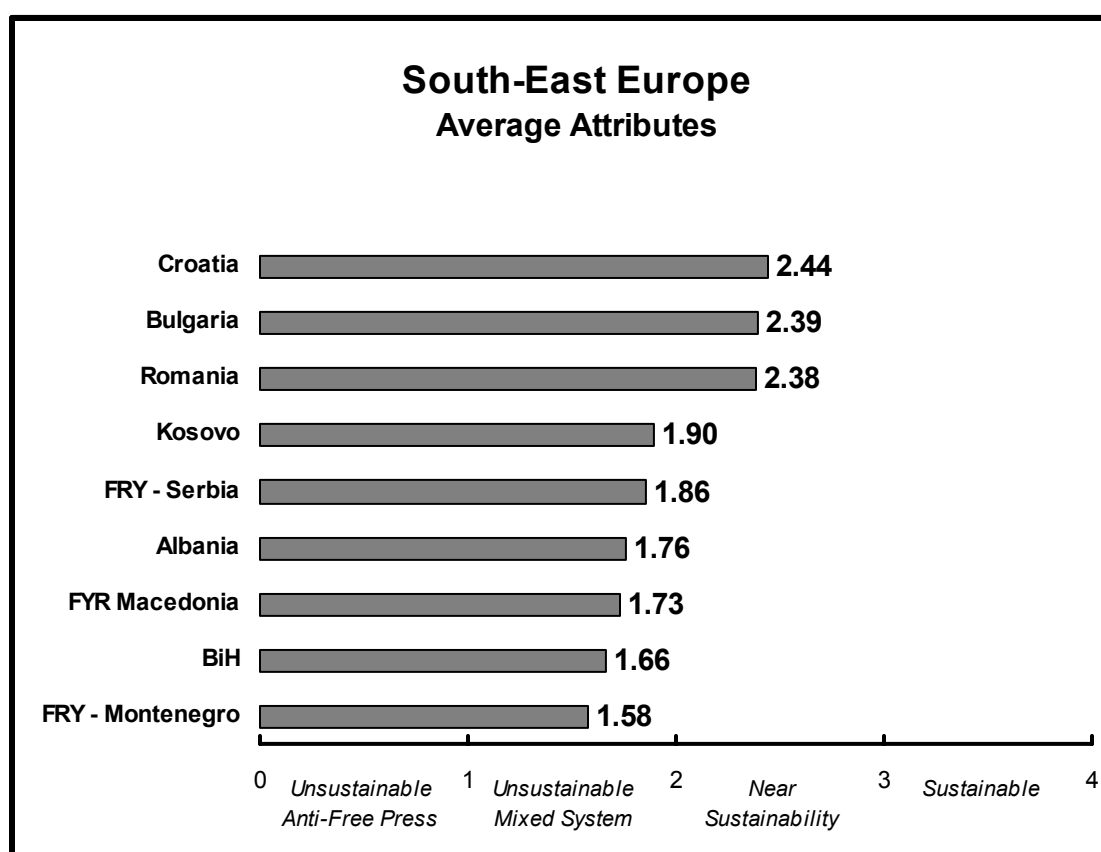
promise for development with the proper outside support. Several other countries have been through recent political upheavals—Serbia, Macedonia, and Kosovo in particular—but they also have good prospects for development if some level of economic and political stability based on democratic and free market principles is attained.

We have tried to make the analyses brief, but valuable for media development professionals working in the region, or professionals who are deciding whether or not to start a program. We hope you will find this report useful and look forward to your comments.

Executive Summary

At this point in time, ten years after the fall of Communism, it is important to stand back and make an informed appraisal of the development of independent media in the region. It is clear from reading the Media Sustainability Index (MSI) that there has been positive change and growth in the development of independent media in a short period of time. It also becomes clear that much more is needed. The road ahead is different for each nation but regional and sub-regional trends become apparent in reading the MSI.

The most positive trend towards media sustainability, at the time this survey was conducted in May-June 2001, can be observed in three countries in Southeastern Europe - Croatia, Bulgaria and Romania. Those three states have also made the most progress in the region in terms of inclusion into the European and North Atlantic economic and military integration processes. They are the only ones that have, on average, scored well above two on the MSI attributes, indicating they are nearing sustainability.



However, their success should not give cause to premature celebration. Like the other seventeen countries studied, Croatia, Bulgaria and Romania have just recently emerged from decades of communist rule and are still in the process of both solidifying their young democracies and establishing viable market economies. Therefore, the goal of a sustainable independent media is very much dependent on the success of those reforms. These states operate in an environment in which everything becomes political and society often becomes polarized. This not only provides the state with arguments to curb the right to free speech in the name of stability but can also impede the further development of professional journalism when media mirrors the political and societal polarization. Croatia, in addition to this problem, still struggles with the government's reluctance to completely relinquish its monopolist status as the

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preeminent news source and professional and trade associations' inability to provide its members with adequate assistance and other related services to fight this problem.

The lack of such relative success in the remaining countries of Southeastern Europe (Albania, Bosnia and Herzegovina (BiH), Kosovo, Macedonia, Montenegro and Serbia) should not be interpreted too negatively. On the contrary, the accomplishments of the above three "leaders" should serve as benchmarks and symbols of what can be achieved with the proper political and economic support for media reform from the international community and the determined efforts of media professionals in the country. All six of this group went through considerable upheavals in their recent histories. They were often the arenas of either civil unrest, as in the case of Albania, or outright military conflict. Bosnia, Kosovo and Serbia just recently emerged from such conflicts that inflicted considerable damage to their societies. The media suffered as well and in some cases were active participants in the conflicts.

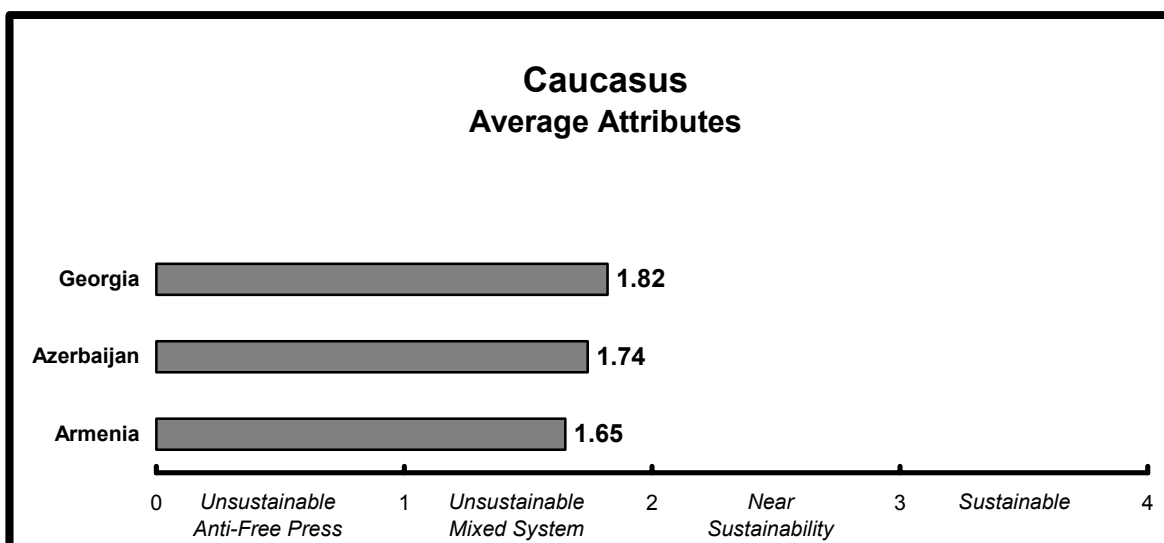
The situation in Macedonia and Montenegro, on the other hand, remains unsettled. Macedonia still faces the possibility of continued armed conflict between its Macedonian and Albanian populations whereas Montenegro is still wrestling with the question of succession from the Yugoslav Federation. Such environments tend to remove the issue of independent media and their rights from the top of the domestic reform agenda, except when pushed from outside.

According to the MSI survey, Kosovo has fared the best of this group of six, scoring on average just below two, indicating they remain an unsustainable, mixed system but are approaching the next level of development. However, Serbia and Montenegro do not fall far behind. All three have promising local associations and NGOs who push for rights of journalists and media outlets. All also offer a decent plurality of news sources although coverage remains biased towards the political. Kosovo, for example, had very little independent media prior to the 1999 war, yet a core of dedicated professionals managed to create an independent media sector that provides Kosovar citizens with a wide choice of news and information. Serbia too has a vibrant independent media that does offer citizens choice and can become sustainable with the appropriate outside support, internal reforms, and economic improvement.

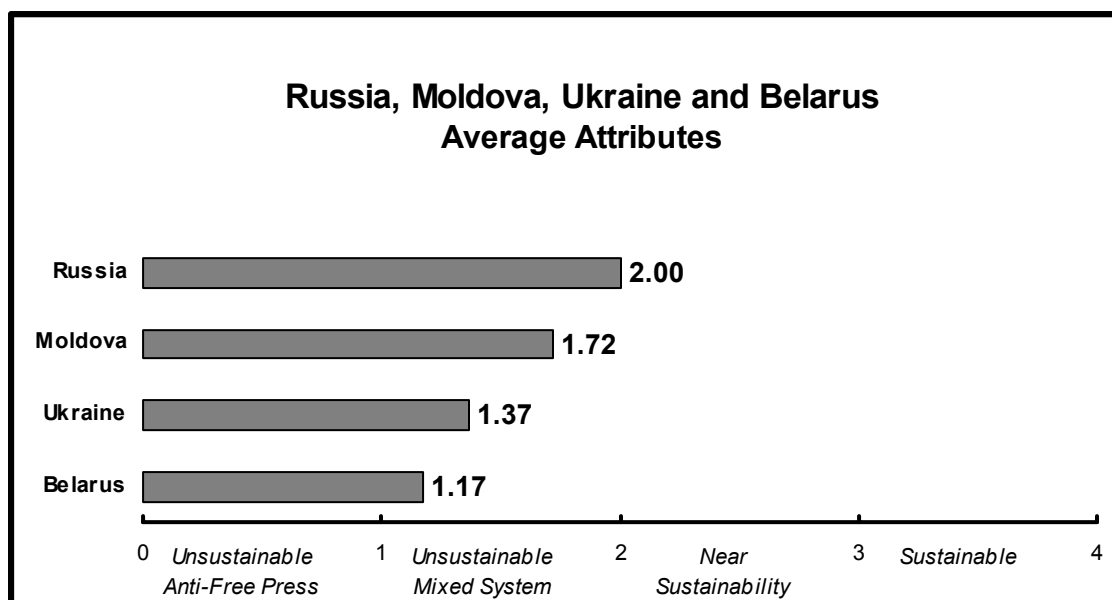
Montenegro has the weakest independent media sector of the three. Serbian media offer strong competition and the small population makes supporting media difficult. Nevertheless, the general state of journalism is weak with strong journalism found only in central media outlets, business management is poor, and the media law situation remains unresolved.

These last points also apply to Albania, Bosnia and Herzegovina, and Macedonia, albeit to differing degrees. Although some progress has been made in the spheres of free speech and choice of media outlets available to citizens, Albania remains a highly polarized society which does not leave much room for dissenting views and fair reporting. This is also true for Macedonia and BiH, only that the division exists more along ethnic lines. Therefore, much more work has to be done in the advancement of free speech, professional journalism, the fostering of supporting NGOs and associations, and the application of sound business management.

Post-Soviet legacies, a weak economy, conflict, and poor development beyond capital city areas are major trends affecting media in the Caucasus. The dire economic situation for these three countries cannot be emphasized enough in terms of the impact it has on media development. From finding a profitable advertising base, to purchasing newsprint, to paying salaries, the lack of capital and the poor state of the economy are key problems facing media in the Caucasus.



It is in particular noteworthy that in all three countries, the lowest scores in the MSI survey were in the attributes for professional journalism and business management. Azerbaijan had the lowest score on average, whereas Georgia scored the best. None of the countries scored higher than two (nearing sustainability) indicating that while they have begun to make progress much work remains to be done in the media reform process. These scores not only suggest the poor economic climate but also highlight the region's Soviet past characterized by state control of media, businesses and universities. As private, commercial media struggle to compete with their state-run counterparts, the realities of what stands in the way of overcoming Soviet legacies abound. Notably, in the Caucasus, it was widely questioned by the MSI panels if it is even possible for media to operate as businesses, especially in light of a preconceived notion that it is an enterprise of the state.



The MSI survey of the other former Soviet republics of Belarus, Moldova, Russia and Ukraine continues to plainly illustrate the evident lack of a sustainable independent media in the former Soviet Union. Its results indicate how constant interference by the central governments and the gloomy economic situation are the key causes for the current state of affairs. Despite the collective failure to approach sustainability

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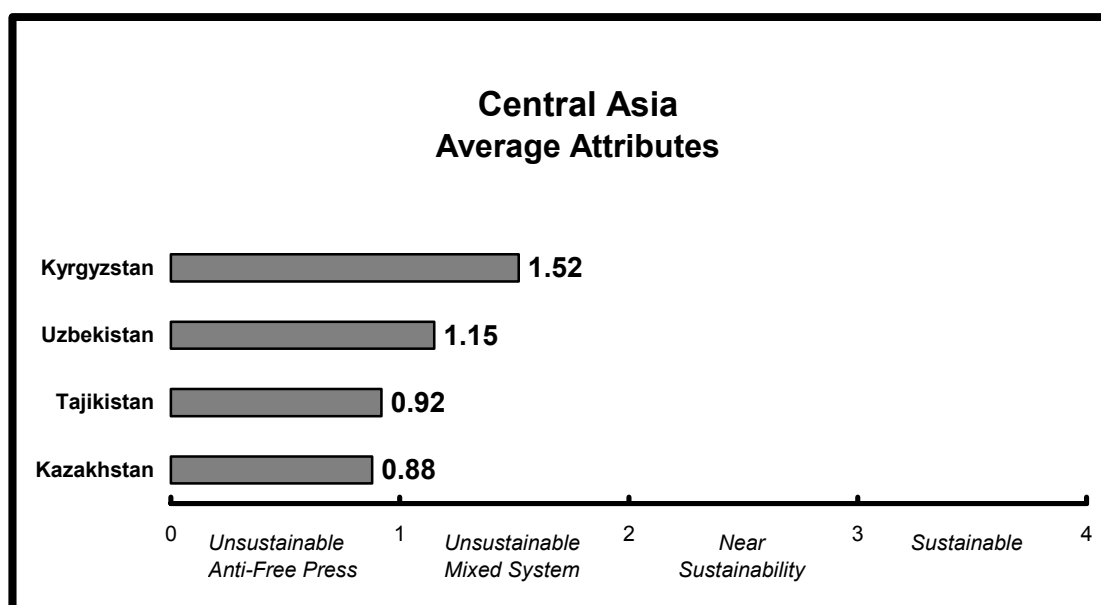
on all five attributes, one can nonetheless observe a divergence in results amongst the four countries. While Russia, for example, has made some progress towards sustainability in the domains of free speech, plurality of news sources and the creation of supporting, Belarus and Ukraine have registered little positive development, in particular when it comes to free speech and the state of professional journalism. The situation is specifically dire in Belarus scoring below one on both attributes (unsustainable and anti-free press).

Polarization between state and private media, the omnipresence of government interference in media affairs, and the exercise of censorship, both open and indirect, clearly suggest that the media in the four Western NIS states have a significant way to go before reaching sustainability. Although all four countries seemingly battle the same difficulties on their paths toward free and sustainable media, it has to be stressed that Russia is relatively the most advanced between them. Moreover, since Moldova, Belarus and Ukraine have century-old political and cultural ties to Russia, it seems unlikely that real change will take place in the former three countries unless Russia succeeds in developing a sustainable independent media. Russia's media continues to be strongly represented in Belarus, Moldova, and Ukraine, either as local reprints of major Muscovite papers or by covering these three countries with their TV and radio broadcasts.

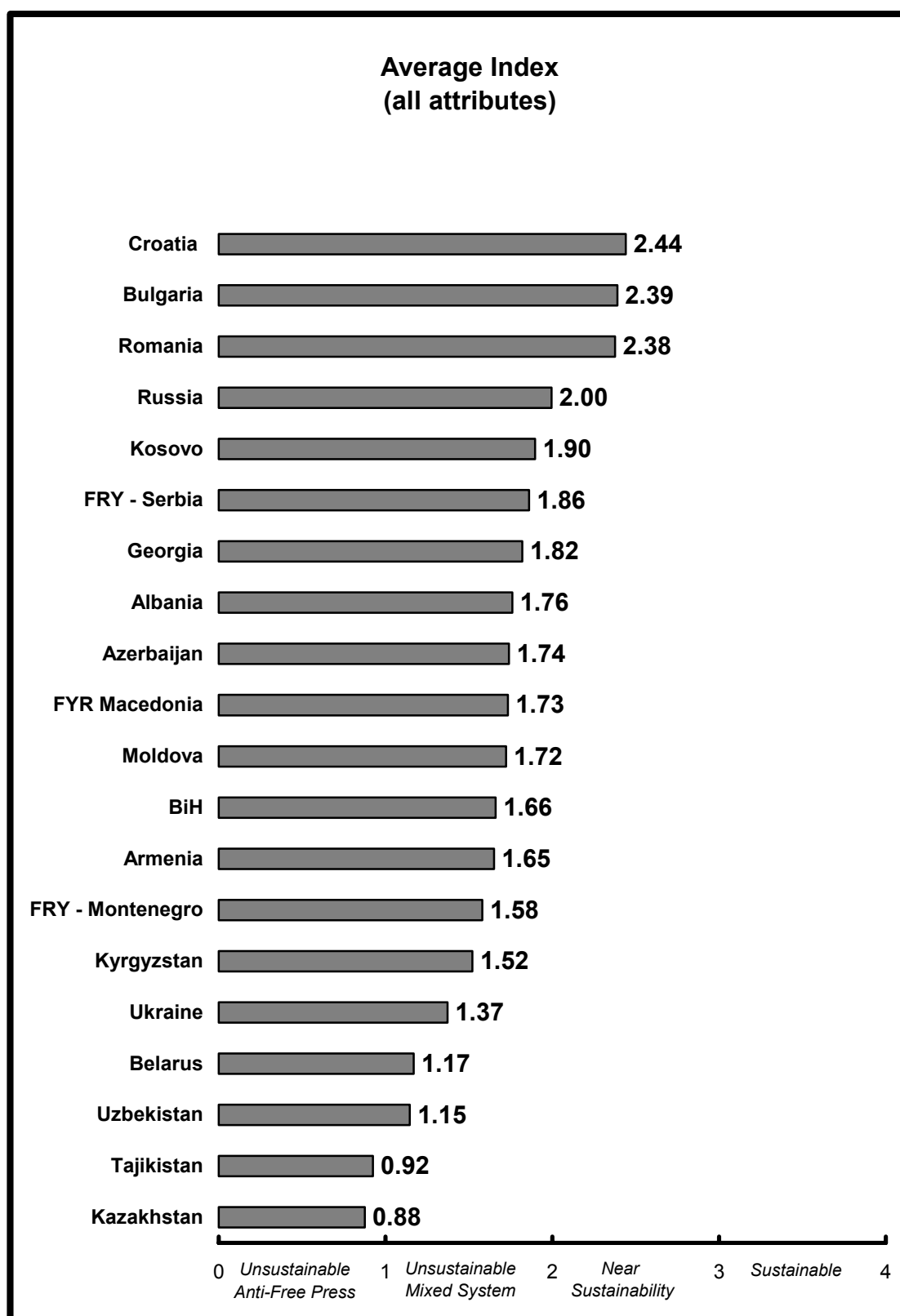
Lastly, the most negative development can be observed in the MSI results for the four Central Asian republics. All four countries demonstrate they currently have unsustainable, mixed systems on every attribute, illustrating a lack of progress in media development. Tajikistan and Kazakhstan consistently scored below one (unsustainable and anti-free press), suggesting the near total absence of success on any of the five sustainability attributes.² The overall results for the region suggest that government control of the media, as with society in general, is the root cause for many of the problems that lead to low levels of media sustainability. Central Asia thus exhibits many of the symptoms commonly seen in underdeveloped media systems such as poor legal protections for journalists, cautious editorial policies, and media businesses beholden to government interests. These symptoms derive from the governments' desire to control the flow of information.

Therefore, advances for independent media in Central Asia will depend on weakening the continual attempts of governments to control information. There will be no easy or quick solutions. Traditional methods such as training journalists and editors, improving business management of independent media, supporting legal reform, and developing supporting NGOs and associations will have a beneficial impact. However, true sustainability will require broad economic and political reform of these societies, a process independent media can help to encourage.

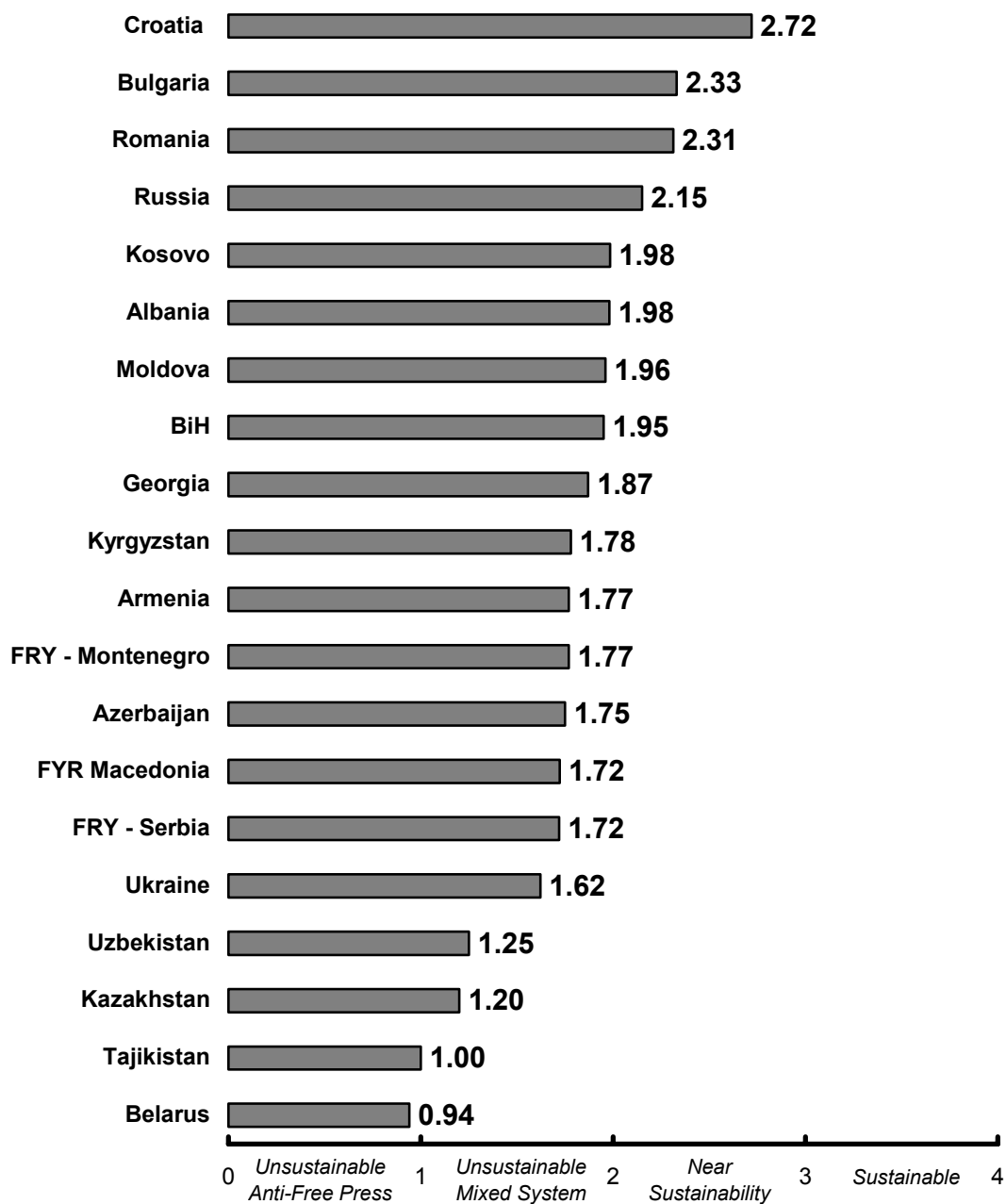
² Turkmenistan was not included in the Media Sustainability Index at the request of USAID.

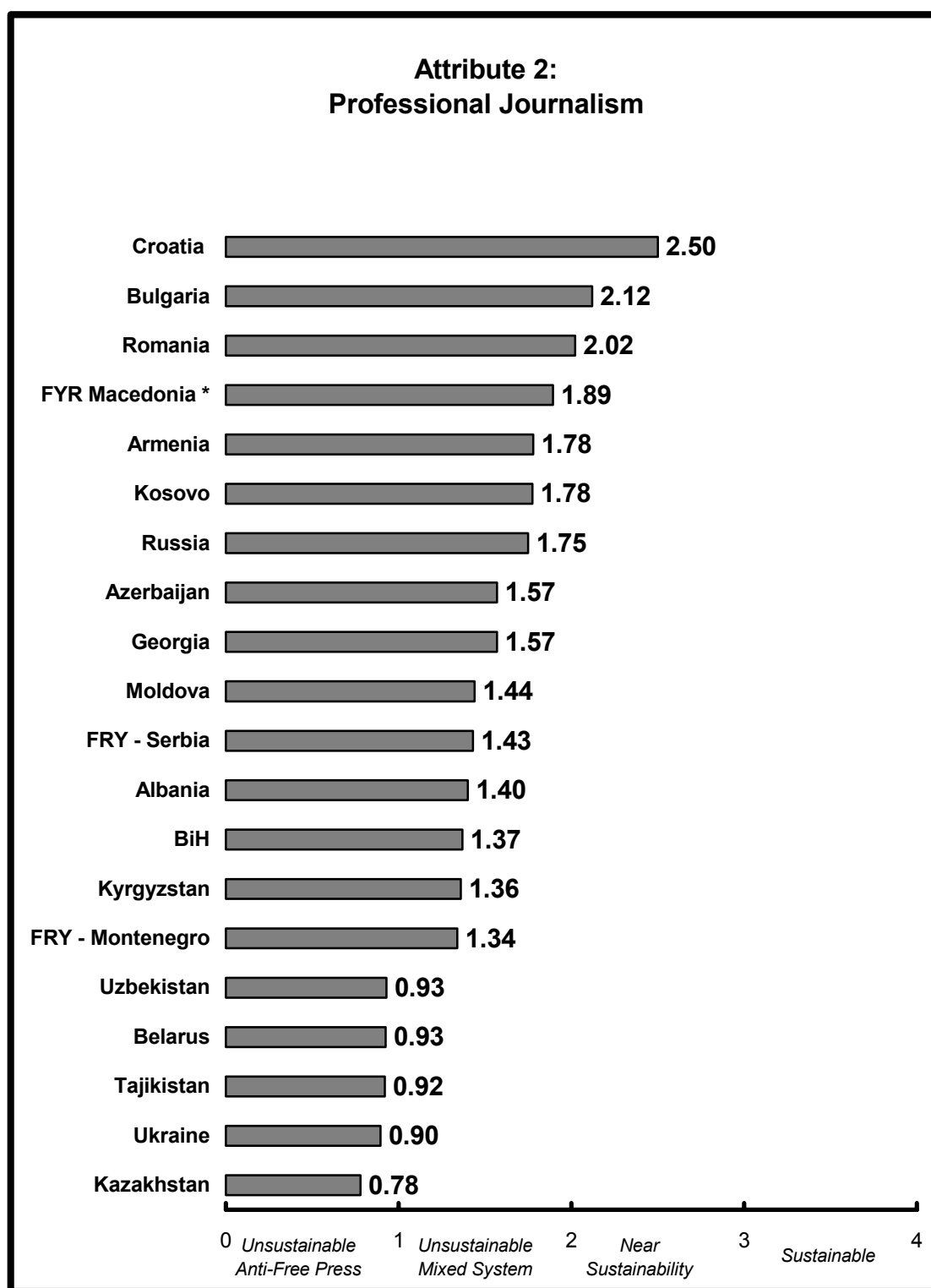


In sum, the Media Sustainability Index provides a picture that shows that the development of independent media proceeds in tandem with the development of free market economies and democratic systems. While the MSI did not study the relationship between these processes, it can be said that media is inextricably linked to free markets and democracies. Without the free flow of accurate information, citizens and policymakers cannot make informed political and economic choices. Without the free flow of information, citizens cannot exercise checks on the abuse of power. Without the free flow of information, businesses cannot make informed decisions that generate economic growth. Therefore, independent media serve not only as a barometer of the health of free markets and democratic processes, but also as vehicles to develop free markets and democracies.



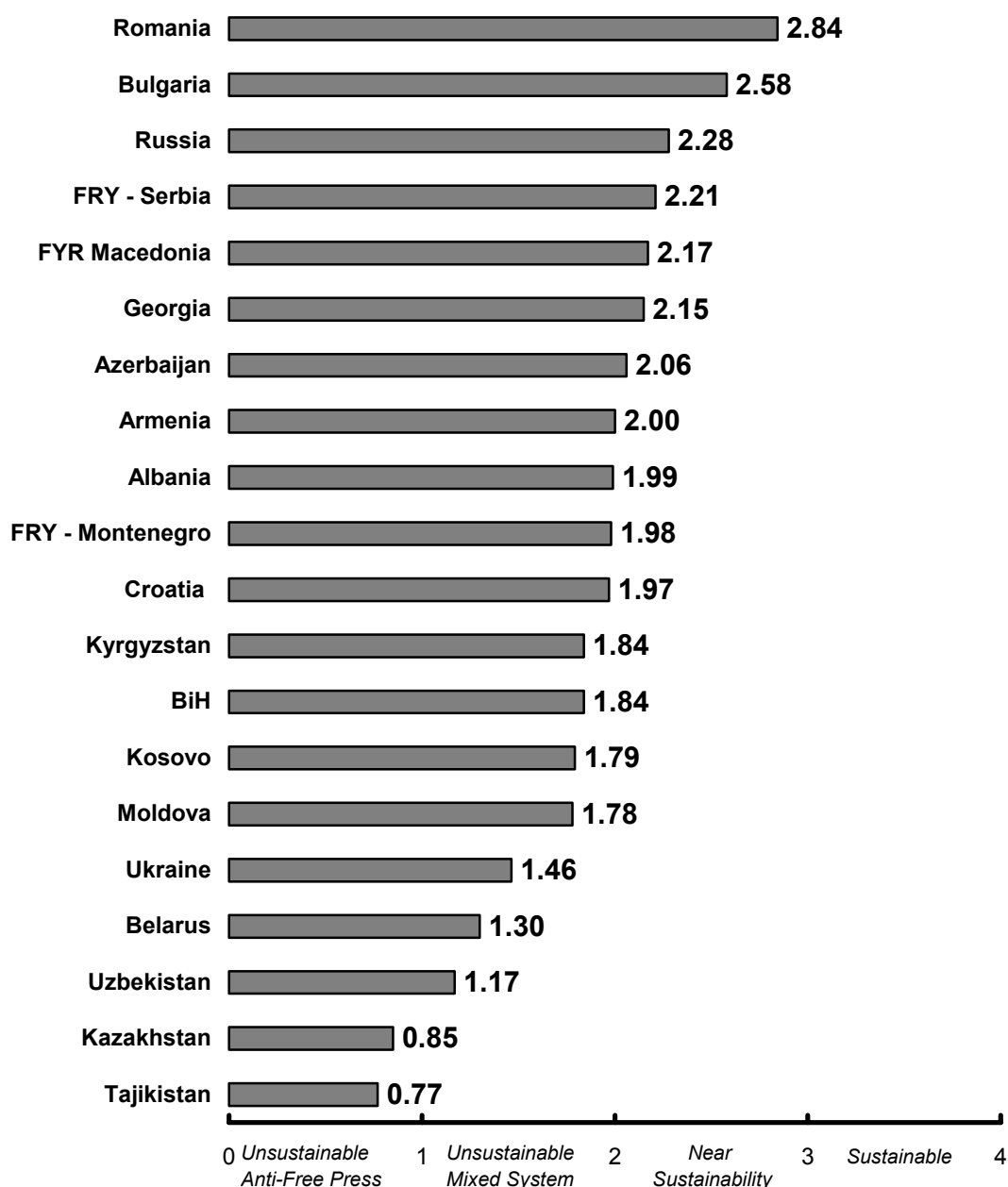
Attribute 1: Free Speech

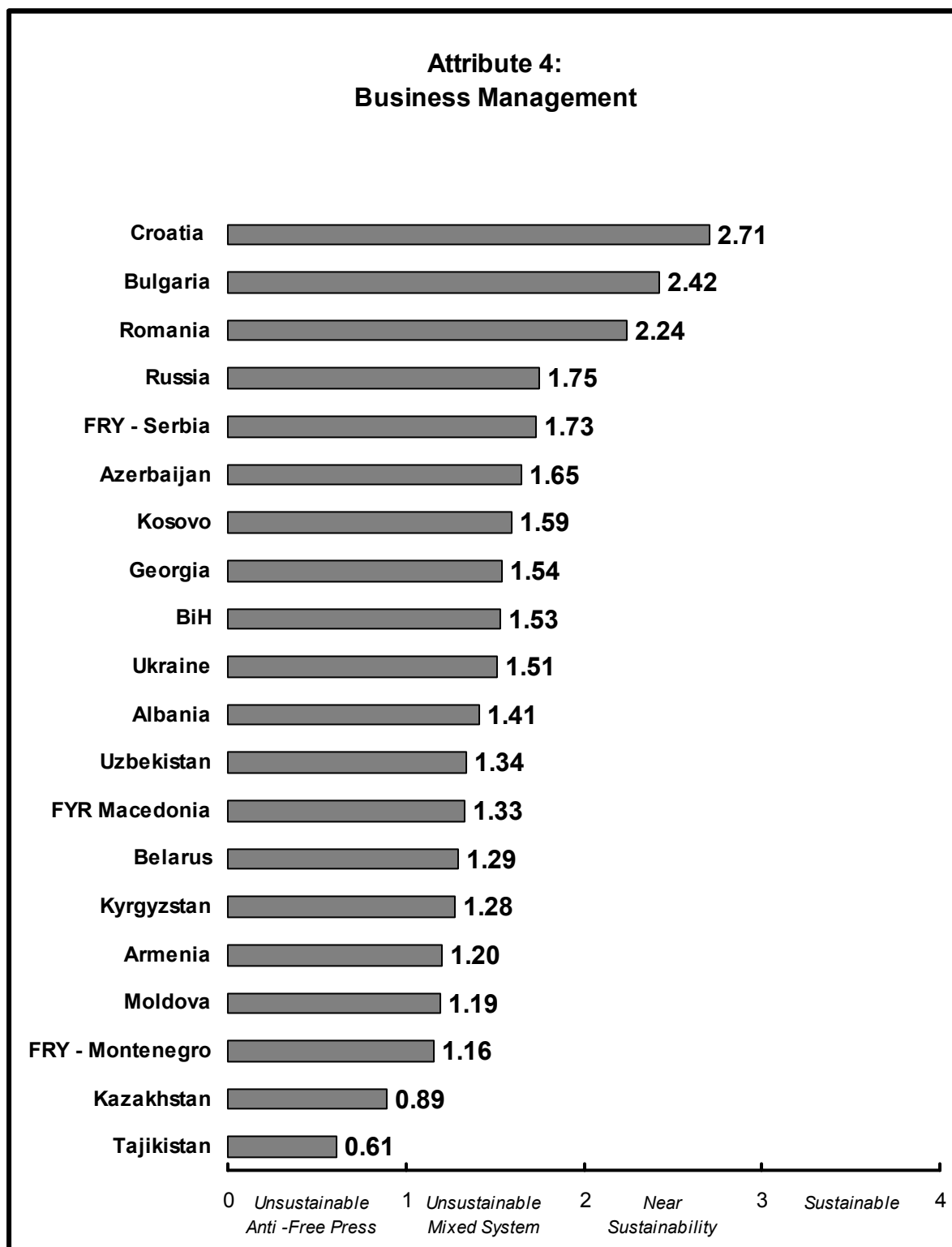




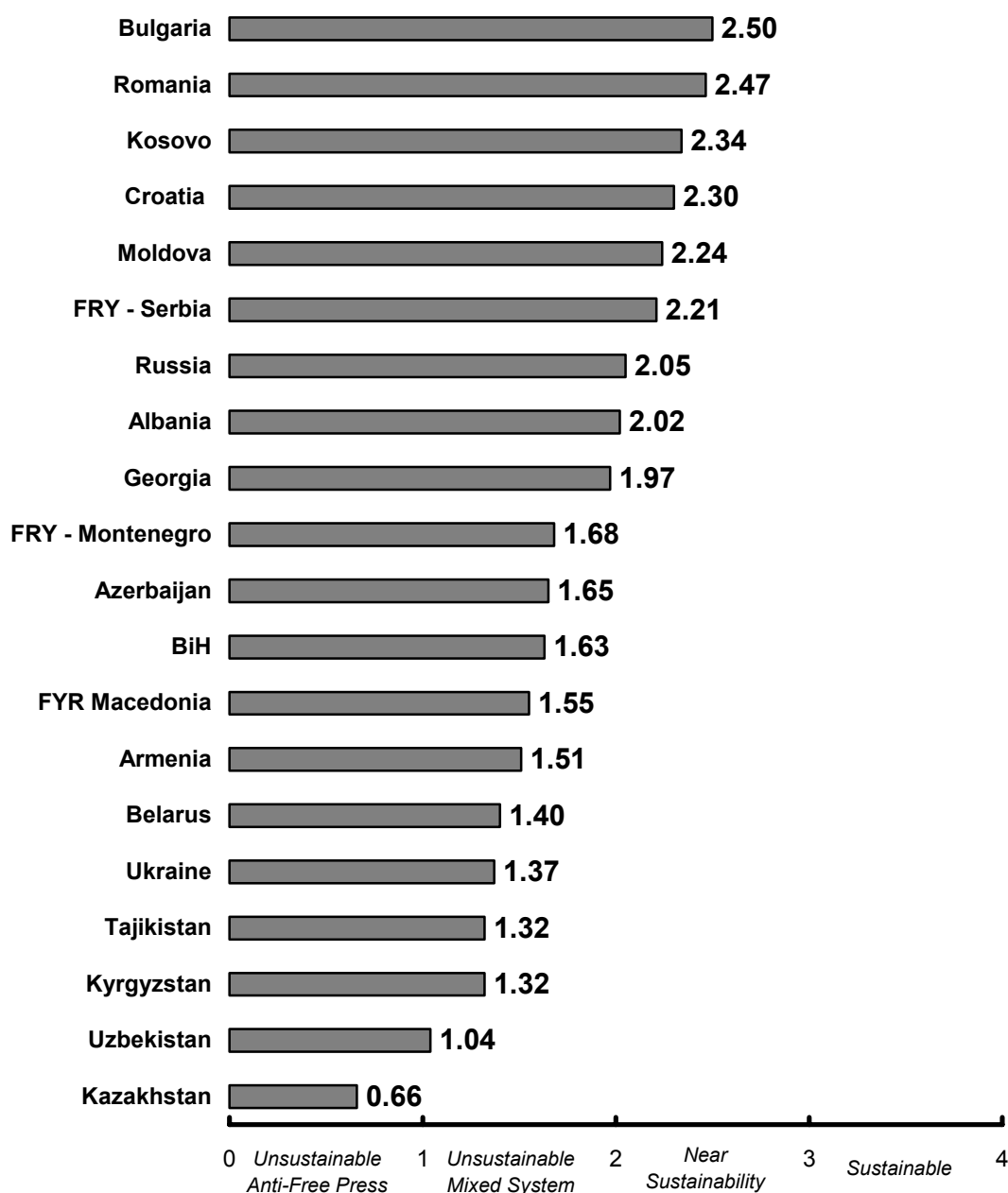
* Please see introduction on p.139 regarding significant changes in Professionalism since May 2001.
The rating above is based on May 2001 Research.

Attribute 3: Plurality of News Sources





Attribute 5: Supporting Institutions



Methodology

IREX prepared the Media Sustainability Index (MSI) in cooperation with USAID as a tool to assess the development of independent media systems over time and across countries. IREX staff, USAID, and other media development professionals contributed to the development of this assessment tool.

The MSI assesses five “attributes” of a successfully media system:

1. Legal norms protect and promote free speech and access to public information.
2. Journalism meets professional standards of quality.
3. Multiple news sources provide citizens with reliable and objective information.
4. Independent media are well-managed businesses, allowing editorial independence.
5. Supporting institutions function in the professional interests of independent media.

These attributes were judged to be the most important aspects of a sustainable and professional independent media system and served as the criteria against which countries were rated. A score was attained for each attribute by rating seven to nine indicators, which determine how well a country meets that attribute. The attributes, indicators, and scoring system are presented below.

The scoring was done in two parts. First, a panel of experts was assembled in each country, drawn from representatives of local media, NGOs, professional associations, and international donors and media development implementers. Each country’s panel had a slightly different composition of this group, in some cases invited panelists did not attend.

The panel was provided with the attributes and indicators and an explanation of the scoring system. Panelists were asked to review individually. The panelists then assembled to discuss the attributes and indicators, and to come up with combined scores and analyses. The panel moderator, in most cases a host country media or NGO representative, prepared a written analysis of the discussion, which was subsequently edited by IREX representatives.

IREX in-country staff and Washington, DC media staff also reviewed the attributes and indicators, and scored the countries independently of the MSI panel. The panel scores and IREX scores were then averaged to obtain the final score presented in this publication. This method allowed the MSI scores to reflect both local media insiders’ views and the views of international media-development professionals.

I. Attributes and Indicators

Attribute 1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal and social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

Attribute 2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

Attribute 3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

Attribute 4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

Attribute 5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

II. Scoring System

A. Indicator Scoring

Each indicator is scored using the following system:

0 = Country does not meet indicator; government or social forces may be actively opposed to its implementation.

1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.

2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.

3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or changes in government, indicating likely sustainability.

4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

B. Attribute and Overall Scoring

The averages of all the indicators are then averaged to obtain a single, overall score for each attribute. Attribute scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

3 and up - Sustainable and free independent media

2-3 - Independent media approaching sustainability

1-2 - Significant progress remains to be made; society and/or government not fully supportive

0-1 - Country meets few of indicators and government/society actively opposing changes

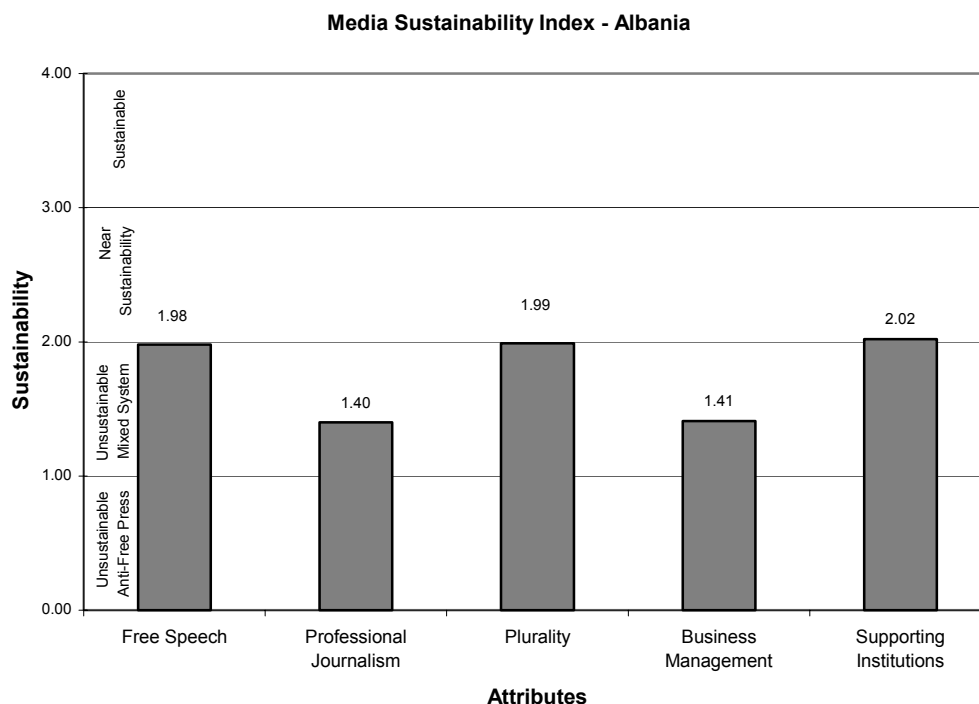
Albania

Introduction

It has been a little over ten years since Albania ended its isolation from the world and began the gradual process of allowing free speech. Unfortunately, Albanian media have not progressed that much in the past decade. Severe backwardness is giving way, from ground zero, to a new economy, with an accepted system of governance with supporting institutions, and an independent judicial system. The media sector is in some ways advancing and in others mired in the problems of transition.

The Fourth Estate is split between right and left political factions: the oligarchs are in control and disinclined to change. Print media are divided and divisive, run either directly by politicians or their friends in business. A Code of Ethics exists, but hardly anyone adheres to it as political interest prevails over notional “fair” editorial policies. Journalism education is far from modern. Legal provisions guaranteeing free expression and access to information exist on paper and remain largely idealistic; bridging the gap between words and deeds would require enormous efforts and probably a lot more time. As one of the journalists in the panel discussion pointed out: “Ideally, I would like media to exist as businesses led by visionaries who love this profession.” But he was, as most of the other participants, acutely aware that this so far remains a dream for Albania.

Still there have been some improvements—things are better than they were three years ago in the aftermath of the pyramid scandals and resulting civil strife. But the road ahead is long and, as every other road in the country, full of potholes and detours.



Scoring System

- 0** = Country does not meet indicator; government or social forces may be actively opposed to its implementation.
1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.
2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.
3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.
4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

Above 3: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government not fully supportive

0-1: Country meets few of indicators and government/society actively opposing changes

Attribute #1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

The Albanian constitution guarantees freedom of expression and access to information, including information held by the state. The constitution also states that censorship is prohibited. Though these free speech guarantees exist, they have not produced the qualitative effect on news and information that one would hope for. This is not only because laws are not observed, but because each news outlet can and does provide its own brand of information, which may or may not be based upon fact. Free speech amounts to the freedom of the public to decide what to believe or disbelieve.

The 1997 Law on Public and Private Radio and Television was accompanied by much speculation about its fairness and political aims (it was an attempt to close down “pirate” stations, but criteria for closures were vague and, some thought, political). It was replaced by the 1998 Law on Electronic Media establishing the National Council on Radio and TV, involving a more diverse group of representatives. The new law is an attempt to protect private broadcasters from political interference in their editorial policies by prohibiting political parties, religious organizations, and state institutions from launching private radio or TV stations. The electronic media law declares the transformation of state-run Albanian TV and Radio into a public institution, by establishing an oversight body of people representing non-political and non-governmental institutions. It is yet to be seen whether this transition will happen in reality.

The Parliamentary Commission on Media has been at work on a new law imposing ethics on the sector, but did not include representatives from the industry in the drafting phases. The commission was not willing to open the new law to debate, and instead tried to push it through the then Socialist-controlled parliament quickly. The Organization for Security and Cooperation in Europe (OSCE) became involved in exerting pressure to delay the vote until there was ample time for modifying the law to accommodate the concerns of the media, or perhaps even open a debate to determine if the new law was necessary at all.

Libel and defamation of public figures are criminal offenses and are punishable with fines and/or up to five years imprisonment according to the 1995 Criminal Code. Only two journalists have been sanctioned under the Socialist government in the past three and a half years, far fewer than under the previous right wing government led by the Democratic Party. It is not because the press has been less vituperative, but because the government has a tendency to ignore or ridicule the accusations presented by the opposition media. Socialists keep a very low profile when it comes to responding to attacks against them and their strategy is to ask their supporters to “consider the source.”

The MSI panel discussion on legal issues was lively, with a number of controversial opinions. Some panelists said: “The laws are very good, but not implemented.” Others mentioned “there is a great gap between the freedom guaranteed by law and the freedom of journalists in real life. The way I see it, the Penal Code should be discussed all over again in terms of how to judge a journalist or a politician when it comes to libel.” There was also the opinion that “there is no need for a press law. Experience proves that a press law can turn from guaranteeing press freedom to hindering it. In young democracies laws could easily be misinterpreted.” There were also statements that the “Penal Code is an old-fashioned one and contrary to accepted European standards.”

Journalists on the panel stressed the need for “self-regulation.” They called for resisting abuses of freedom of expression and criticized the lack of sound moral principles within the profession. Other participants mentioned that “politicians should help develop the press law, but not by trying to define the path themselves. The press should try to have a greater influence. The specific legal system and the self-regulating code depend on our own emancipation.” The general consensus was that “improvements should be made in the media law and in the Penal Code, not in the constitution.”

Even though access to information is guaranteed on paper, access to print outside the capital city is difficult to obtain. Distribution of newspapers is limited to the major population centers of the country and Tirana is the main focal point. But access has another meaning, which is whether journalists have access to information. Each ministry has been tasked to provide answers to any and all questions posed by the media or, for that matter, any citizen of the country. Unfortunately, few of the ministries adhere to the “freedom of information” mentioned. Surly clerks act as watchdogs for the ministries, either feigning total deafness or conveniently losing request slips.

According to one long time observer of the Albanian media: “It is easy to become a media mogul in Albania. All you have to do is promise allegiance to one political party or another, swear that your programming (news especially) will promote their philosophies, and they will guide you to the right MP who will then accept your token of appreciation for his attention, usually paid in American dollars.” In some cases, media can be a stepping-stone for some journalists to becoming part of the government careers, which obviates the “watchdog” purpose of journalism. Licensing of broadcast facilities can be a hurdle to prospective entrepreneurs. The regulatory body, both by reputation and deed, has so far acted as an independent organization, devoid of political influence. But lately the chairman of the National Council on Radio & Television has come under much pressure and it is not clear how long it can withstand.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

The notion of professional standards for journalists in Albania does not have much currency. There is a Code of Ethics but no one adheres to it and there is no self-regulatory body to administer the Code. Reportage is mostly based on innuendo, lies, and distortion. The primary content, of both print and electronic, is politics. The country is mired in the diatribes of the two political factions, and media organs are polarized between the two. State broadcasting is not truly public as that is understood in the West, but is actually in the hands of the ruling party.

Reporters are, in their opinion, underpaid and overworked. Few newspapers employ a well-staffed team of journalists and those who are working are forced to fill pages on a daily basis with little or no regard to quality of content. The motto often is: “Just fill that page.” According to journalists, they have no employment contracts, no benefits, deplorable working conditions, and their employers have no respect for the industry.

According to several panel members reportage is usually unfair, not objective, and hardly well sourced. For the most part, especially in print, information often emanates from the headquarters of political parties and is biased towards the ideology of that party. Print media will publish articles impugning the politics of their owners’ opponents with no thought as to whether the inflammatory accusations have any basis; conversely, they will extol their political champions ad nauseam. This produces reprisals from the other side. The politicians themselves never have to reply; their “voices” do it for them. Facts are irrelevant to the positions taken and usually are not present, although journalists have been educated over and over again in the past ten years about the importance of fact-based reporting for credibility.

Newspapers calling themselves independent have a tendency to swing one way or another, depending on whatever support they are receiving at the moment and on where the power is. The parties will “suggest” to their supporters that they advertise in this or that paper, thus providing covert subsidies. The government blatantly manipulates content by using supportive media as advertising outlets for such organizations as Albtelecom (the government-controlled telephone provider), KESH (the government controlled electricity provider), and their advertisements for tenders. Based upon these manipulative practices, information is presented to the viewers, listeners, and readers according to the desires of whoever is “buying” the media.

Electronic media, especially television, have drawn lines politically and do not waver, except superficially. State broadcasting always slants news to support the government in power; government leaders are constantly in favorable view, while the opposition is presented as potential demagogues.

The MSI panel participants agreed that the level of professional reporting is low. They repeatedly complained about the lack of ethics among the journalistic community. There was a thought that if journalistic self-regulation existed “this would free our profession of the heavy burden of politics.” However, there was also the opinion that it is not sufficient to rely on journalists’ morals, a code of ethics, or good training, “because the editor in chief and especially the publisher have their own policy, interests, and affiliations with powerful clans. You either do as they say, or you resign.”

In the capital Tirana, broadcasters have well-equipped stations. According to panel members there is revenue from advertising in addition to the patronage of political parties (although the operators will deny the second revenue stream.) There is one radio station that has advertising revenue comparable to any major-market station in the United States. They limit their advertising to six minutes per hour and yet their cost per spot is competitive. There is speculation that the station might be involved in one of the money-laundering schemes in the country.

Outside Tirana the facilities degrade quickly. There has not been much improvement in equipment or technology for several years. The smaller cities cannot support broadcast facilities economically, because there is no advertising base; the major advertisers have no need or inclination to place spots on the smaller local broadcasters. Print media have local facilities in Berat and Gjirokastrë; otherwise, all information emanates from the center.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

There is a virtual cornucopia of information available to residents of Albania from foreign news media such as CNN, BBC, Reuters, VOA, EuroNews and Deutsche Welle. But as stated above, the problem is that information is not used: since everything is part of the political struggle, most information presented to Albanian citizenry is politically based and biased. Each news facility prepares its own news agenda following the ideology of the ownership. As recent Albanian Media Institute surveys show, there is little trust in media in general among the population. There are roughly 30 private TV outlets and around 20 radio stations, but many of them are not financially viable and not well managed.

Albanian print editions are available mostly in the largest cities, with Tirana having about 13 daily papers—a fact criticized by panel participants (“four papers are enough, in case they are well done”). The two major distribution companies are private but they are allegedly corrupt and mishandling deliveries. The bad road infrastructure also adds to distribution problems, meaning print editions are almost unobtainable in smaller villages. Though print media is more diverse, readership is declining due to the low purchasing power of the population and a general distrust in papers. There are some minority-language papers—Greek, Vlach, Romanian, and Roma. Independence in print is represented by one paper, *Gazetta Shqiptare*, and that is Italian owned. In broadcast, Television Arberia (located in Tirana) is the most centrist; the others fall on one side or the other of political divisions in a ridiculous fashion. Unfortunately, Voice of America (VOA) also falls into that category since it constantly derides the government in power.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

Media in Albania is not a well-managed business at all. It was not until August 1999 that members of the regulatory commission, on a visit to the United States, came to realize that broadcasting is a business, and not a political tool. The newspapers run constant deficits and without the support of the political parties they would collapse. There is no interest in actually working for media survival when political leaders are so eager to subsidize both press and broadcast.

Advertising in print is almost nonexistent. Newspaper sales are insignificant and papers rely on other sources of funding—from political parties or foreign donors, for example. Broadcast is a bit different but still has a long way to go. The TV and radio operators have a tendency to court the most influential and powerful because they have the money to spend and it is easy to get their business. Foreign donors stress to media companies the importance of cultivating smaller advertisers and increasing their advertiser base but, as soon as they meet with resistance from potential advertisers, the salespeople quickly revert to their old practices. Owners are interested only in quick gains and are thoughtless about the future, a dynamic that runs now through Albanian society generally.

Independent ratings have never been done. IREX/ProMedia is now working with the Institute for Statistics and Opinion (ISO) to provide an independent survey using 28-day diaries in fourteen population centers in the country. According to ISO, the sample will be large enough to compile representative information reflecting listening and viewing habits. Surveys done in the past have all been commissioned by stations, and the results have always been suspect.

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

Trade associations in place right now are inadequate, to say the least. One association is a holdover from Communist times with hardly any activity among members, and the other is presided over by a publisher who is not familiar with journalistic problems.

The journalism faculty at the University of Tirana is deplorable. The selection system for the students is a mystery, even to those who administer it. Students lack enthusiasm, as does the faculty. The facility is less than accommodating to teaching; there are no teaching materials, nor any sort of contemporary equipment. In their third year, students drift into various media outlets, ostensibly to obtain some practical training, but in reality they become unpaid or poorly paid employees, adding to the downward spiral of presentation of information. The instructors seem to encourage this practice as it relieves them of any responsibility. Publishers also encourage this practice because they can replace older, more experienced journalists with the new harvest, paying them less and making them conform to political factions.

Participants in the discussion agreed that university education does not provide a good basis for future journalists. There were statements like: “I believe in training, be it long or short term...there is work to be done about the school, so that people are ready when the time is ripe.” But there were doubts about the usefulness of journalism training as long as political clans and groups rule over media. As one panel member said, “the problem is who will control the media, business or politicians? And how do media function as businesses? They do not is the obvious answer. As long as media do not function as businesses there will not be too much of a difference for another 15 years.” Despite such statements, there was confusion about the issue of businesses controlling media and media being run as a business. Besides, panelists seemed to be thinking only in terms of who controls media (with businesses and politics being the two alternatives), while not much thought was given to how media could become less dependent on either.

The Albanian Media Institute does provide mid-career training for journalists as funding allows but it seems that the same faces attend the seminars with no appreciable changes in the presentation of news. As one Albanian journalist put it, “We have been seminared to death.”

List of panel participants

1. Thanas Goga, Assistant to the Press Officer at OSCE
2. Vili Minarolli, Democratic MP, Parliamentary Commission on Mass Media
3. Rezar Xhaxhiu, News Director, TV Arberia
4. Kathy Imholtz, Advisor to the Foreign Ministry, seconded by the OSCE
5. Lutfë Dervishi, Editor in Chief, *Albania* daily Newspaper
6. Leonard Gremi, VP of National Association of Radio and TV
7. Iris Luarasi, Director of Radio Ime
8. Elsa Ballauri, Director of Albanian Human Rights Group
9. Halil Lalaj, Socialist MP, Parliamentary Commission on Mass Media
10. Fatos Bacoko, Editor in Chief of *XXL* weekly
11. Egjell Seriani, Publisher of *Dita Jug* weekly in Gjirokaster
12. Remzi Lani, Director of Albanian Media Institute

Panel moderator

Andrea Stefani, Local Media Coordinator, IREX ProMedia/Albania

Observers

USAID/Albania representatives

Armenia

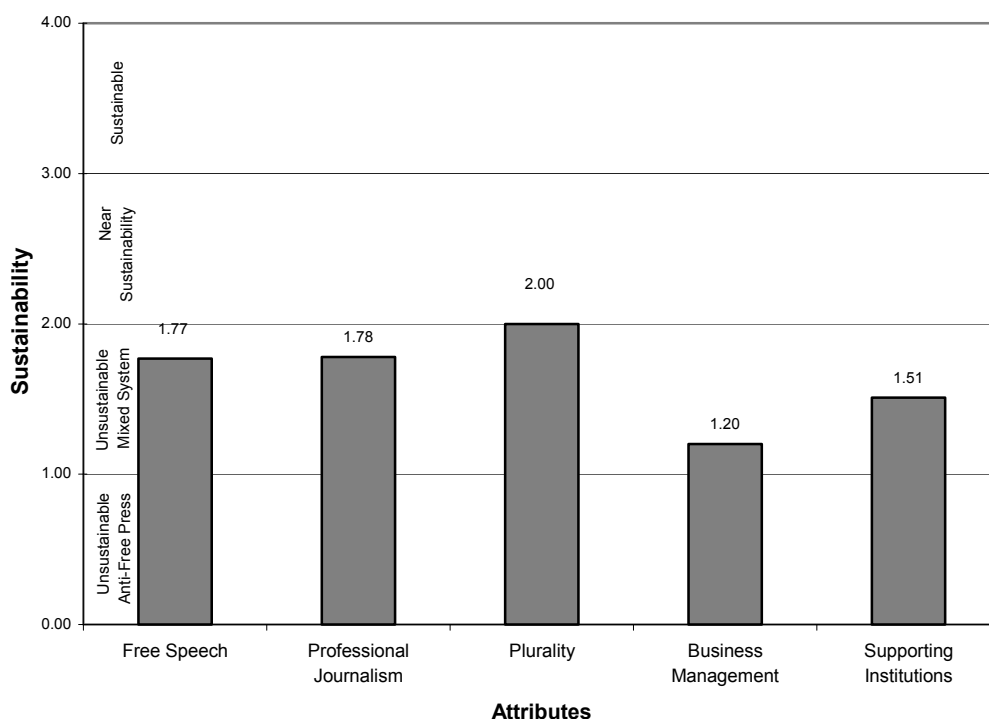
Introduction

Armenia emerged from the collapse of the Soviet Union as an independent nation in 1991 shouldering an unusually difficult burden. It was embroiled in a long-standing conflict with neighboring Azerbaijan over the future of Nagorno-Karabakh, a predominantly Armenia enclave located in Azerbaijan. Armenia was also still reeling from the effects of a disastrous earthquake in 1988 that severely damaged the northwest region of the country, its industry, and its infrastructure.

Ten years after gaining its independence, Armenia is still struggling. While a ceasefire has been declared with Azerbaijan, no mutually satisfactory agreement on the fate of Nagorno-Karabakh has been reached. While Armenia has received massive amounts of international aid, what industry it had has largely ground to a halt and it does not have vast physical resources (such as gold or oil) that it can sell on the world market. Complicating this picture, Armenia has also experienced a tremendous out-migration of its population: many Armenians have emigrated to Russia, Eastern and Western Europe, Canada, and the United States. Politically, Armenia has been relatively stable—but this situation too was marred in the fall of 1999, when gunmen stormed the Armenian Parliament and shot and killed several members of parliament.

These troubles have greatly impacted the state of Armenia's media. As in other post-communist countries, the theory of legal protections of free speech remains to be defined in practice and applied in predictable ways to the daily work of journalists. The bleak economic situation is a real and overwhelming constraint on the development of advertising revenue for the independent media. Political sponsorship of the media is the accepted substitute for business performance: while ownership remains murky, allegiances can easily be determined through biases in reportage. Professional standards have been jettisoned largely in favor of economic survival, and a tradition of public service in the media has yet to be established.

Media Sustainability Index - Armenia



Scoring System

- 0** = Country does not meet indicator; government or social forces may be actively opposed to its implementation.
1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.
2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.
3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.
4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

- Above 3: Sustainable and free independent media
 2-3: Independent media approaching sustainability
 1-2: Significant progress remains to be made; society or government not fully supportive
 0-1: Country meets few of indicators and government/society actively opposing changes

On the bright side, Armenia has been accepted into the Council of Europe, and this will have a positive effect on the legal front (providing a body of case law on free speech from the European Court in Strasbourg) and in the interest in raising professional standards. Institution building also remains a serious challenge for the donor community and for Armenian journalism professionals.

Attribute #1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

Constitutional and legal protections for journalists exist in Armenia but are ambiguous and generally misunderstood by journalists and enforcing authorities. Panel members discussed this topic vigorously, and the general conclusion was that while the constitution guarantees the freedom of expression, there are no adequate mechanisms in place to protect that freedom. Enforcement of vague laws is extremely sporadic and subject to the whims of private citizens and officials.

For example, the Law on Press and Mass Media adopted October 8, 1991, which treats print media as separate and distinct from broadcast media, guarantees the right of free speech. It states: "In the Republic of Armenia (RA) public mass media (PMM) are free and shall not be subject to censorship. The citizens of RA shall have the right to express their views and opinions and to receive reliable and timely information of each issue of public importance via PMM. In RA, no monopoly shall be allowed."

This statement of categorical principle is clear, but supporting provisions are less so. The law prohibits printing of certain information, such as “state secrets”; however, the law provides no definition of a state secret, and it is therefore left open to interpretation by officials. The law prohibits the publishing of “false and unverified news reports” and “news that advocates war, violence, ethnic and religious hostility, prostitution, drug abuse or other criminal act.” The law also forbids newspapers to print “details of the private life of citizens.” Because there is no clear explanation of any of these prohibitions, government officials apply restrictions at their own discretion, and consequently punish newspapers for any perceived infraction. Panel members generally agreed that the existing media law is obsolete and impedes media development, and that a new law is needed. They also criticized its vagueness and the lack of enforcement mechanisms.

Another confusing aspect of the media law (apparently designed to protect journalistic sources) states that news media “shall not be required to reveal the source of its reports,” including the names of sources. The exception is that a journalist may be required to reveal a source if the information is involved in a court case. However, journalists misuse this provision of the law as a reason to only occasionally print or publish the source of their information. This is the legal reason why sources are rarely, if ever, cited in news stories and why stories read like commentary more than factual news reporting.

Libel is a criminal offense in Armenia, and is also vaguely defined. Newspapers and journalists can be prosecuted if their “reports do not correspond with the truth,” or if they “offend the honor and dignity of a person,” or “violate the legal rights and interests of organizations or citizens.”

One of the most recent cases involves the editor of a liberal newspaper, *Haykakan Zhamanak*. The newspaper is highly critical of the government, and its editor is frequently taken to court. The newspaper’s predecessor publication was closed down when it was found guilty of libel, so the editor simply started a new publication with a different name and continued to do what he had been doing in the past. The editor was given a suspended sentence and put on a year’s probation. In another related incident at the same newspaper, thugs working for a prominent businessman entered the editorial offices and assaulted the male members of the staff over what was perceived as an unflattering mention of the businessman in an article on a separate subject. Other newspaper offices have been attacked, prompting one editor to install an additional set of steel bar doors as protection for the staff.

Violations of the libel law are rare. In general, this is not because of fairly applied laws, but because journalists know what they can get away with. In many instances, political officials are simply inattentive to what is written about them. The panelists discussed the fact that a new law on Access to Information is needed; they expressed hopes that a good law might be the first step towards greater transparency in the work of government officials and bodies. They were very critical of the restrictions imposed by the government on a free press and claimed such freedom does not exist in Armenia.

Crimes against journalists and newspaper offices are not usually prosecuted. Only if a newspaper editor or publisher has the financial means to investigate and file legal actions on his own will a crime against a journalist or publication be prosecuted. MSI panelists had different views on crimes and harassment of journalists: some claimed that there were several cases of violent attacks against journalists, but others pointed out that the pressure on journalists today is less severe and that now violations of journalists’ rights are at least brought to the attention of courts. Indeed, they mentioned that the number of court cases has recently increased.

Similar legal problems have occurred with broadcast and television news media outlets because of the vague and ineffectual Law on Television and Radio, adopted on October 9, 2000. The law has raised the ire of electronic media outlets with regard to three specific problems:

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1. The Armenian president has the exclusive right to appoint members to a governing body that regulates and licenses the electronic media.
2. Electronic media are required to devote 65 percent of their airtime to locally produced programs in the Armenian language.
3. The law forbids the advocacy of forcible overthrow of the government, war, racial discrimination, criminal activities, and prostitution, as well as the broadcasting of libel and “horror movies.”

The electronic media have generated some sympathy in the public for what they consider to be severe restrictions on their freedom. In general the public is apathetic to media law issues, but as noted by the MSI panel, Armenians also resent restrictions on their speech freedoms: as a panel member said, “we are already accustomed to having freedom of speech, so any violation irritates us.” The electronic news media are lobbying the parliament for revisions to the law, and apparently are finding some success. Panel members mentioned that they have recently formed a new Public TV/Broadcast Committee, which was characterized in the following way: “You can call it a censorship committee, it does not matter. What really matters is when is our TV going to become public?”

The law governing print and broadcast media is being revised to conform to generally accepted European standards. This is largely due to the recent acceptance of Armenia into the Council of Europe. Separate committees have been named in the parliament to revise media laws in Armenia in the coming two years.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

Journalism in Armenia rarely meets any generally accepted standards of fair, objective, and well-sourced reporting. Most newspapers represent the views of their sponsors, because almost all newspapers rely heavily on what are known as “invisible friends.” Other papers are openly sponsored by political parties and contain flattering articles about party members and policy while criticizing other viewpoints. Predictably, most of the content of party-sponsored papers is not objective or diverse. Panel participants noted that every editor sets up his or her own standards of journalism depending on the interests of the sponsoring political parties or powerful individuals, and journalists typically only cover topics that editors sanction.

Panel participants agreed that there are some journalists in Armenia with high professional standards, but not everyone agreed that Armenian journalism meets international standards of objective and reliable reporting. As one panelist said, “Armenian journalism does not correspond to international standards. But there are many real professionals.” Some of the factors that contribute to the low standards of Armenian journalism are low salaries, lack of technical equipment, and self-censorship. Because of low pay, journalists are often forced to sacrifice integrity for work to meet their basic needs. Panelists also discussed the fact that opportunities for professional growth in journalism are limited. The journalists on the panel were more critical than the NGO representatives and insisted that the quality of journalism in Armenia is at a very low level. The opinions of international experts were in line with the journalistic assessments. Panel members also mentioned that there is no sharp distinction between allegedly serious press and tabloids. Another participant added, “Considering the pressure on journalists posed by the shadow economy, the news coverage in Armenian newspapers is objective enough.”

Journalists usually have reliable sources of information, such as government officials or even government reports and press conferences, as well as personal sources and contacts. However, few reporters name sources because the Law on Press and Mass Media makes doing so risky. In general, the panel noted, Armenian journalists do not always check and review their sources of information. They rarely separate fact from comment, and often editorialize. Little attempt is made to verify, via personal research, facts on issues in foreign countries that concern Armenia.

The absence of a common code of ethics was considered by all the panelists to be one of the major weaknesses of Armenian journalism. Another aspect that was mentioned was “the difference between real professionals and young and inexperienced reporters, recently graduated from universities. It is hard though to call them real journalists ... and therefore hard to evaluate the general level of professionalism of Armenian journalists.”

Although policy varies from publication to publication, it is not unusual for newspapers to print stories and photos as news for a fee. Some newspapers mark such stories with an “R” for *reklama* (advertising), while others do not. As a result, it is often difficult for the average reader to distinguish between news and advertising.

Most newspapers will, on occasion, print commercial articles as news. This practice is a direct result of the dire financial situation of the country. Some editors say they do not condone the practice but are aware that some journalists submit stories for which they have been paid by the sources. Some editors overlook the practice because the reporters are paid so poorly and realize that the money supplements their wages. Journalists earn from US \$50 to US \$200 per month—if they get paid at all. This compares well to the estimated average monthly income for all Armenia, which is US \$17 per month, but is barely enough to support a couple or small family. Some publishers also accept direct payment, and charge relatively high fees, for placing stories or photos on the front page.

Journalists and editors practice self-censorship to the extent that their work must reflect sponsors’ viewpoints or those of the political parties’ supporting them. Newspapers that are clearly in opposition to the government generally present only critical commentary and stories, while government or political party newspapers present political officials in a more flattering light. The panel agreed that self-censorship is widespread among both editors and reporters. In general, journalists do not investigate corruption in high offices, because of predictable consequences. They often fear that either they will not be understood or that they could be repressed. Panelists discussed the direct coercing or pressuring of journalists over the past 10 years: beatings, arson, and vandalization of editorial offices were cited, as well as unresolved and unfair court cases. Panelists also mentioned some common taboo issues, like the situation in the army and the police, which many reporters avoid commenting on.

One recent case of pressuring involved the newspaper *Novoe Vremya* (New Times), in which the staff and editor clashed with the newspaper’s sponsor and refused to support the sponsor’s call for the removal of the current Armenian government administration. The sponsor then withdrew his support, removed computers and other equipment, and the newspaper was forced to suspend publication. The newspaper resumed publication after a month, but on a less frequent basis. In another case, the editor of a political party newspaper, in an interview, claimed his publication was independent and objective. However, when pressed, he admitted that unless the editors and reporters and their work reflected the party’s view, they would not be around long. This same paper, which is the most popular weekly in Yerevan, recently began a special monthly supplement on investigative reporting. However, the work is neither objective nor well sourced.

Newspapers in general do not do any investigative reporting, and the vast majority of news is political reporting on the doings of government and parliament. Arts, culture, and sport are generally allocated some space in most publications. The MSI panel added that economic or political analysis and niche

reporting is underdeveloped. One can rarely read professional, investigative articles on economics. In the field of politics, panelists claimed there were many biased articles reflecting the interests of small groups.

Only one newspaper in Armenia, *Delavoy Express*, currently concentrates on business and economic news. But this news product features neither aggressive reporting nor criticism of government officials or their policies; nor does it produce critical or investigative reports of private businesses.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

A plurality of public and private news sources exists in Armenia, but the delivery of objective news to a broad spectrum of people is limited. Because the vast majority of news outlets, as well as government agencies, are located and based in Yerevan, the majority of news is about people (mostly government officials) and events in the capital. News from the regions is covered, but usually only when a government official visits a factory in the outlying areas or conducts a meeting there. MSI panel participants discussed at length the lack of access to information in many regions of Armenia. They agreed that distribution of print publications in the regions of Armenia is very poor. The choice of TV broadcasting is often restricted to the government-owned National Television. Panelists also noted that journalists working at nationwide papers rarely cover news from the regions of Armenia. As one panelist said: "Unfortunately, when it comes to information availability, the country is split into two: the capital and the rest of Armenia. Information is unavailable not only from the remote parts of the country, but also from the other big cities." Participants also stated that there are no legislative restrictions on access to international news coverage. International news is presented in translation from the BBC, Euronews, CNN and a variety of Russian broadcasters.

With the assistance of organizations such as Internews, a variety of small, privately owned television stations have been developed throughout neighborhoods in Yerevan as well as in small communities throughout Armenia. However, the scope and depth of their coverage is highly limited. Presently, there are only two television stations that broadcast nationally, Prometevs (independent) and National Television. Each carries a small amount of international news, about three to five minutes daily. There are some 41 independent television stations throughout Armenia, but they focus on strictly local or regional programming, including news. Some provide some national or international news, obtained from satellite, pulled off Russian television broadcasts, or broadcast from tapes provided by Yerevan stations.

In the smaller communities, newspapers do not exist. For example, in Guimri, the second largest city in Armenia, a regional station rebroadcasts national news and provides local Guimri news to the national station. But the city has only one weekly newspaper, providing news, and another one with television listings and prepackaged entertainment news and crossword puzzles.

Price is often cited as the largest single barrier to access to print media. Newspapers in Yerevan sell for 100 drams, which is the equivalent 20 cents (in US dollars). However, 100 drams is also the cost of a loaf of bread, and when asked, almost everyone replied that they prefer to eat rather than read the news—which, they are quick to add, is highly opinionated, badly written, and generally confusing. As a result newspaper circulation is extremely low; less than 5 percent of the total population reads newspapers. MSI panel participants confirmed that lack of money is one of the major obstacles to availability of printed

press and the Internet. The latter is still considered an elite source of information. Panelists pointed out that people do not buy newspapers because of their low incomes, but also because about 80 percent of the content of newspapers is political news. Participants were of the opinion that cultural and educational news was vastly neglected and that media was not covering women's issues and the growing activities of the nongovernmental sector.

Almost all newspapers are sponsored by political parties or special interests, and reflect the points of view of the sponsor(s). If every paper were bought and read, together they would reflect the views of the entire political spectrum. No single newspaper is a reservoir of balanced, nonpartisan perspective on political topics, and none is solely dedicated to serving the public interest. Panelists noted that state media often hide information from the public while trying to satisfy government officials' interests. News agencies, they claimed, were less biased in providing news. The exception is Armenpress, the state news agency, which restricts news topics and shifts accents intentionally.

Newspapers can generally be categorized as either pro-government or opposition. As noted above, the vast majority of news is dedicated to political and government-related issues, and TV stations generally provide the same sort of programming. Cultural and educational issues are generally addressed through sit-down interviews or discussions with cultural figures. Group participants mentioned that the official TV channels are better equipped and better funded than private or independent news media. State television was recently renamed "public television," but it still remains the supporting pillar of the powerful.

News agencies are a bright spot in Armenia. There are three main news agencies: Noyan Tapan, a multi-faceted agency that provides print, video, and radio broadcasts, as well as publishing an English-language weekly; SNARK, a print news service; and ARKA, which focuses on financial and business news. These news agencies come closer than any other news provider to offering objective, fact-based news. This is due in part to a growing demand for fact-based reporting. Most newspapers make extensive use of the news agencies while their own reporters and editors write opinion and commentary on the news items.

The larger, national television stations produce some of their own shows, but generally rely on outside programming. The smaller neighborhood stations produce their own news shows, which are generally oriented to local news and features and reach only local viewers.

Ownership of the news media, both newspapers and television stations, is not transparent. All newspapers considered semi-independent survive on money provided by sponsors. But newspaper editors are unwilling to divulge the names of their sponsors, saying that providing such information would be a violation of trust. Newspapers affiliated with political parties are quite open about their affiliation but insist that they are still independent. Some panelists mentioned that the issue of ownership and sponsorship of media is not a serious concern in Armenian society.

Armenia is a rather homogeneous country. Ethnic minorities exist in such miniscule numbers that coverage or lack thereof is an insignificant issue. The only significant "minority," if they can be called such, are Armenians who were forced out of Baku during the 1995-1996 war with Azerbaijan. These Armenians, as well as the Armenians who fled Karabakh during the war, constitute a minority that is written about as a separate group of people. For example, one recent story discussed the fact that when Armenians leave the country in search of employment abroad, they often abandon apartments that are in turn occupied by Armenians from Azerbaijan or Karabakh. MSI panel participants noted that there is no minority discrimination in the country in terms of media, and there are some local minority newspapers and broadcasts producing news in the respective languages of the minorities.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

News media outlets and supporting firms, including distribution and printing facilities and organizations, do not operate as efficient, professional, profit-generating businesses. Distribution and printing organizations and facilities are major problems in Armenia. Most panelists agreed that media business development is heavily dependent on the state of the economy and private business in the country. Experts concluded that given the dire economic situation in Armenia, positive changes in the near future were not to be expected. They claimed that media in Armenia is “not a profitable business and in fact, not a business at all. Media is simply surviving.” The panel discussion centered on how media could in general survive.

Panelists mentioned that most outlets are sponsor-oriented rather than reader-oriented, which does not motivate editors and owners to run the newspaper as a business. Only a few newspapers and TV companies operate as businesses. Panelists reiterated the fact that media are just tools to place more power and influence in the hands of political parties. Since media profit expectations are low, business people are not interested in investing in newspapers. The situation for media in the regions is much worse and proportional to the lack of any active business life, and to the lack of conditions for business operation. Many panelists felt that questions included in this part of the MSI survey implied that an advertising market already exists, and that newspapers are already being run as businesses. Since this is not the case, MSI panel participants considered the topics of this particular objective premature for Armenia.

The main printing facility, called Tigran Mets, is a part state-owned, part privately owned printing facility. Almost all of the newspapers in Yerevan are printed at that facility. Only a year ago, as the result of a Eurasia Foundation grant and a large loan, a competing printing facility was opened. The new printing facility is charging approximately the same prices as Tigran Mets. However, because of long-standing relationships and little or no financial incentive, almost all newspaper editors continue to print their newspapers with Tigran Mets. Part of their long-standing relationship involves the extension of small amounts of credit to the newspaper owners. However, since the competition of the new printing facility has been introduced, both printing facilities have made efforts to keep prices at a minimum.

The price of newsprint is a major portion of the printing costs in newspapers. Newsprint in Armenia costs about double the price in Russia, due to the small market and cost of transporting the newsprint. Because Tigran Mets continues to print most of the newspapers, its owner is able to purchase larger quantities of newsprint than his competitor and as a result has much more on hand at any given time, and at a cheaper price. The owner of the competing Gind print house says he can purchase newsprint for the same discounts, but only if more newspapers will use his printing press.

MSI panel participants mentioned that not long ago, state-owned printing houses and distribution agencies created obstacles to opposition media. There are currently several private printing houses but only one distribution company that operates ineffectively. The panel’s main target of criticism was the state-run Hayamamoul, the monopolist in the field of printed press distribution. Distribution is more of a problem than printing, all agreed. The newspaper distribution network is a system of 200 kiosks scattered throughout Yerevan and in some of the regions. Kiosk operators are guaranteed minimum amounts of income based on newspaper sales, but this minimum is far less (US \$20-US \$30 per month) than any

operator needs to make a living. Kiosk operators are therefore allowed to sell all kinds of things—tobacco, lighters, pens, notebooks, etc.—to help them to make a living.

This distribution system, however, keeps circulation numbers artificially low. Kiosk operators, in most cases, face a financial penalty if they are unable to sell all their newspapers. As a result, they only order from the distribution facility the amount of newspaper they know they will sell. This means that even if a kiosk could sell as many as 10 of any given newspaper on any given day, he will only order five because he knows he can always sell five—but maybe not 10.

This situation results from a distribution agreement Haymamoul has with newspapers: they can choose between a no-return policy and a return policy. With a no-return policy, newspaper editors are guaranteed a set amount of circulation and a guaranteed, though small, return on the circulation. If a newspaper chooses a return policy, the newspaper gets a higher percentage of the kiosk sales price but the cost of collecting the returns is deducted. For a variety of reasons, most editors select the no-return policy because they are guaranteed a specific amount of revenue from circulation.

However, the no-return policy is fraught with problems. One is that the printing house allegedly prints overruns (copies beyond the agreed number), sells them, and keeps all the profits. In some instances, when particularly controversial articles are about to be printed, the print runs will be stopped. Although such incidents are rare, they have been effective in instilling a form of self-censorship in the print media.

Newspapers survive mainly on circulation revenues, an average of 60 percent of their budgets, and undisclosed sponsorship, which ranges from 20 percent to 40 percent depending on the publication. Most newspapers say they earn about 10 percent of their revenue from advertising. One newspaper, *Iravunk*, which is a popular party publication, claimed it was a revenue producer for the political party. Panelists agreed that circulation in general is very low and that the revenues are too small to make newspapers profitable. They mentioned that only entertainment publications are able to have a larger circulation. One of the panelists shared his survival strategy: “We contacted Kapan’s former residents who now live in Moscow. They organized a subscription for us and we send them our newspaper.” Panelists also noted that the printing house prints some newspaper copies illegally, and editors cannot always define precisely circulation numbers and the level of popularity of a certain paper.

The only exception to this is the financial and business weekly, *Delavoy Express* (Business Express), which is totally supported by advertising revenues. However, instead of being an example for other publications, it does not take advantage of its self-sufficiency to be editorially independent. The newspaper provides neither controversial stories nor criticism of the government or other key institutions. This is why, said most panelists, the newspaper is “allowed” to exist.

Advertising agencies do exist. Newspapers are only beginning to develop their advertising departments. Panelists pointed out that in general advertisers prefer television because they know their advertisements will reach a much wider audience. The demographics support this, and are absurdly skewed toward television. Some 85 percent of all Armenians get their news and entertainment from television. Ten percent get it from radio, and only five percent get it from all newspapers combined, according to an October 2000 media market survey conducted by the Armenian Sociological Association. Logically, no retailer is going to advertise in a newspaper, since TV advertising costs are a better bargain. Newspapers are aware of this situation and, as a result, know that hiring advertising sales people and trying to develop income from advertising is an almost useless effort. Some MSI panel participants also mentioned that a lot of private businesses abstain from advertising in order to avoid attracting the attention of tax authorities.

No independent news media outlets receive government subsidies. The group pointed out that media have few expectations from government concerning financing. There is a small budget line for media support, but it is unclear what the criteria and principles of distribution are.

Because newspapers and television exist on low margins or depend on sponsors, none are willing to finance market surveys. Panelists agreed that because newspapers do not rely on the market for their incomes, they do not write stories for the market. Instead, stories are written to please the sponsors, be they private individuals, politicians, the government, or political parties.

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

Panel participants agreed that Armenian professional unions, including journalistic ones, are extremely weak and cannot protect the rights of their own members. Neither are they effective in lobbying for journalists' rights. Some NGOs try to protect the rights of journalists and have started some educational programs. They are unable, however, to set a good example and boost respect for the journalism profession in Armenia. Panelists stressed the fact that some local human rights organizations help reporters, while others that claim to be in the service of journalism mainly collect funds from donors. Panelists concluded that in general institutions supporting media are undeveloped. The establishment of these institutions is closely connected with the strengthening of democracy in the country. Panelists said that if the poor interaction between the NGO sector and media was improved, together they could transform public opinion into a powerful factor in protecting freedom of speech. It was also mentioned that representatives of pro-government media were not inclined to support their media colleagues from the opposition.

A number of journalism institutions exist to represent the interests of news media, including the Yerevan Press Club and the Journalists Union. The Yerevan Press Club is closely aligned with the Journalists Union and is active in bringing public attention to political and legal issues that affect the news media and media outlet owners. A recent case is the above-mentioned broadcast law that imposed certain restrictions and requirements on radio and television stations. A large protest was generated, and participating television and radio stations ceased broadcasts for about an hour one day in protest.

The Yerevan Press Club is active in drafting and lobbying for reforms in media law. The organization has been active in lobbying changes to the current law regarding radio and television, and the revisions are reportedly moving through parliament. In addition, the club is involved in drafting extensive revisions to news media law that are required for Armenia to become a full partner in the Council of Europe. These changes and revisions must be adopted during 2002.

While such organizations exist, newspaper editors will band together informally when specific issues come to light that affect them all. One such case occurred late last year when about six editors approached Armenian President Robert Kocharian to stop the proposed privatization of the distribution system, Haymamul. Although the privatization is a good idea, the proposed implementation was potentially destructive to the entire print media. Each kiosk owner would have been made a private businessperson; but because the profits earned from newspapers are so small, the likelihood of the kiosk owners continuing to sell newspapers was zero, according to newspaper owners. Also, the proposal called for the newspapers to sign individual sales agreements with each kiosk owner. The sheer volume of such contracts made this idea unworkable. The newspaper owners appealed to Kocharian for help and he agreed that the proposal would have sounded the death knell for newspaper sales; he ultimately rejected the privatization proposal.

The situation is different regarding legal defense, however. When certain newspapers or newspaper editors or writers come under attack, either legally or physically, they are left to their own devices. No organization exists which provides any legal defense for journalists. Organizations such as the USAID-funded IREX/ProMedia in Armenia and the Committee to Protect Journalists stay abreast of all violations of journalistic freedom, as they become known. The American Bar Association, through its Central and East European Legal Initiative (ABA/CEELI), has provided some legal training for journalists, but not in the area of journalism freedom. The training has been about the judicial process in Armenia, such as it is.

IREX/ProMedia Armenia and Internews Armenia provide a full schedule of training programs for journalists to improve and expand their professional skills. These include workshops, seminars, and programs in Armenia as well as programs and internships outside the country, and are generally short-term training programs from one to three weeks in duration. IREX/ProMedia is the only organization in Armenia that is currently providing skills improvement training for both professionals and journalism students. Yerevan State University provides undergraduate and graduate degrees in journalism, and a number of private universities in Yerevan also provide undergraduate degrees, as does the Polytechnic Institute in Guimri. However, these universities' programs are steeped in the journalism theory of the former Soviet Union. Panel discussants pointed out that journalism students graduate with no practical skills, and called for the total transformation of the old Soviet style curriculum. Students are hungry for any and all instruction in Western-style, objective, fact-based journalism.

IREX/ProMedia Armenia is attempting to fill the void in the instruction of fact-based objective journalism, and offers private classes to interested students. The panel agreed that more training and seminars are necessary. Other organizations, such as the Swiss-based CIMERA, are currently investigating the creation of a journalism institute based in Yerevan that would provide various types of training to student and professional journalists in Armenia, Georgia, and Azerbaijan.

List of panel participants

1. Valery Aydinyan, political analyst, Member of the Board of the Public TV Broadcast Company
2. Sarah Petrossyan, journalist, *Azg* daily
3. Vahan Ishkhanyan, investigative journalist, freelancer
4. Vacheh Yepremyan, Editor-in-Chief of *Kapantsiner* daily (private newspaper)
5. Anahit Norikyan, Deputy Editor of *Kumayri banvor* weekly (private newspaper)
6. Stephan Gregorian, diplomat, political analyst, member of the political organization "Armat"
7. Rouben Naghdyan, sociologist, professor at the Yerevan State University
8. Silva Toumanyanyan, civilian; provided the views of non-media experts
9. Jina Sargisova, Executive Director of the Armenian Assembly of the Armenia NGO Center
10. Tamara Hovnatanyan, Program Coordinator of the Center for Democracy and Peace (NGO with some media projects)
11. Anahit Haroutunian, journalist, leader of the NGO Spiritual Armenia
12. Theresa Khorozyan, Adviser to Human Rights and Democracy of the OSCE office in Armenia

Azerbaijan

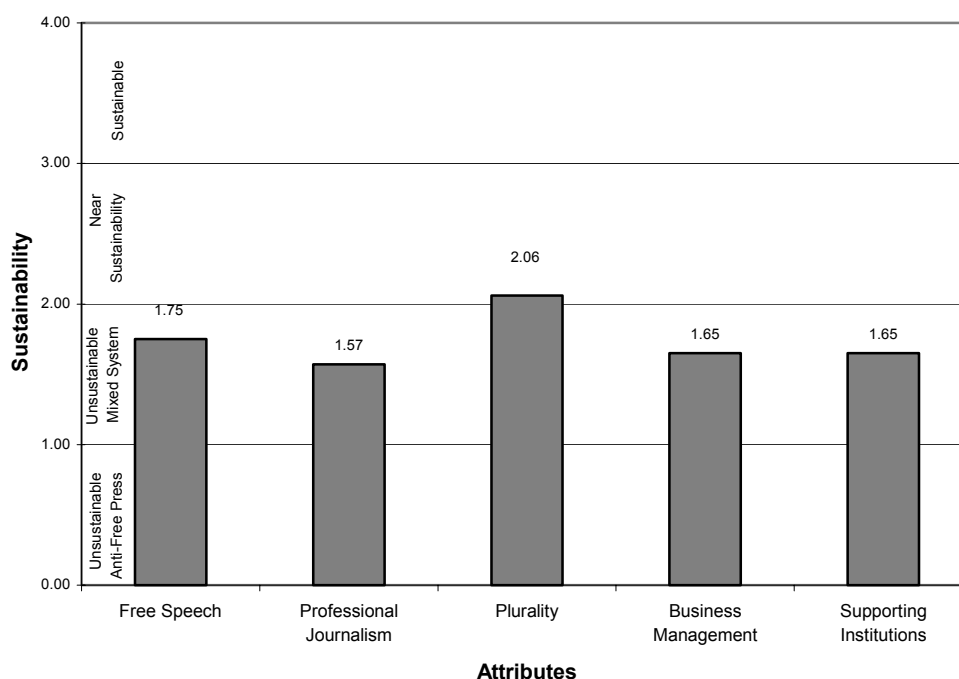
Introduction

Azerbaijan has made only tentative steps towards a sustainable media environment. The full range of legal protections of freedom of speech are not in place, and those that do exist are weak and in many cases counter to international standards. The lack of implementation and enforcement of existing legal norms indicates that the government values the practice of free speech less than the theory. The judiciary and police are not aggressive and independent in their application of the law. The Council of Europe (CoE) is working with the government to update its laws to correspond to CoE standards, but this is an ongoing process with seemingly little immediate impact.

The quality of journalism is not up to internationally accepted standards and varies between the capital and smaller cities. Editorial control inhibits professional journalism as many media outlets are politically connected and favor certain parties, groups, or individuals, restricting individual journalists' ability to work professionally. No widely accepted code of ethics exists for the profession, although some outlets adopt one version or another of existing standards. Training for journalists is poor, except for that provided by some local and international NGOs. The quality of university programs is poor and the faculties unprepared to teach modern journalism skills.

Azerbaijan has a variety of media sources for citizens, representing different views. However, they are generally not widely accessible to the public, particularly outside of Baku. Print media are not widely circulated so television, dominated by state television, is the main source of information. Citizens on the borders can receive foreign broadcasts although the quality of Iranian and Armenian news is similar to Azerbaijan and does not provide a credible alternative. Internet access is limited, particularly outside of Baku. News is generally political, particularly in state media, while the independent media covers issues such as economics and social concerns better than the state.

Media Sustainability Index - Azerbaijan



Scoring System

- 0** = Country does not meet indicator; government or social forces may be actively opposed to its implementation.
1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.
2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.
3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.
4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

Above 3: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government not fully supportive

0-1: Country meets few of indicators and government/society actively opposing changes

Business management of independent media is hampered by a weak economy, a small pool of media managers, and government interference in business issues. Many media are supported by sponsors and as such focus more on projecting the viewpoint the sponsor is interested in, rather than sound business management. As with most countries throughout the region, the media market is saturated in Azerbaijan, fragmenting the advertising market that does exist. There are no consistent and reliable market research studies.

Azerbaijan has several established associations representing the interests of journalists, management, and ownership, as well as NGOs that are more concerned with free speech issues. These associations are not highly successful but have made progress in representing their members' interests, particularly on several important issues that have arisen when journalists have been targeted through the legal system. Formal journalism education is not up to professional standards at the university level. Training provided by local and international NGOs seems to offer the best professional instruction for journalists. Supporting functions, such as printing, are both privately- and publicly owned, and newsprint comes from Russia, offering some protection for independent media. However, the government controls distribution of print media outside of Baku, limiting print media's freedom. Private broadcasters use their own facilities, but have little money for adequate facilities.

Attribute #1: Legal norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry conditions and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

Azerbaijan took a step forward in February 2000 when its parliament passed a new media law. While this was a necessary measure, there remain many problems with both the media law and the civil code that

can seriously hamper journalistic progress. Current laws in Azerbaijan deal with mass media, freedom of information, and state secrets. No broadcast law exists, though the government plans to adopt one within two years. Also, a new law on freedom of information is supposed to be adopted before the year 2002

Azerbaijan has two years to implement legal changes pertaining to journalists and journalists' rights recommended by the Council of Europe. The country has already stated the necessity to change laws. On May 7, 2001, a special working group was established by the president's office to prepare amendments to the existing laws on mass media, according to the CoE recommendations. The group was supposed to introduce amendments to the laws on media and state secrets, as well as draft bills on TV and radio, information security, and journalists' responsibilities. Ali Hasanov, Chief of the presidential administration's Public-Political Division, was quoted by the Turan news agency as saying that the drafts will be first submitted to the CoE, and then to the Milli Mejlis (the Azeri parliament) for ratification.

Improving freedom of the press was one of the conditions of the country's entry into the Council of Europe. In February 2001, less than a month after Azerbaijan was granted full CoE membership, CoE Secretary General Walter Schwimmer expressed concern at new restrictions on press freedom. He called on Azerbaijan to change appropriate laws to conform to conditions of CoE membership (IJNet; "COE Secretary -General concerned by closure of regional TV stations in Azerbaijan"; <http://www.ijnet.org/Archive/2001/2/9-8506.html>).

In August 1998, President Aliyev signed a decree officially ending prepublication censorship and instructing the parliament to adopt laws ensuring freedom of the print media. This law was hailed as the first step in the direction of true freedom of speech. All MSI panel members agreed that the constitution is supposed to provide for free speech; however, laws are often not enforced and open to interpretation. The reality is that the court system does not apply the principles of freedom of speech evenly. In the regions outside of Baku they are often not enforced at all. Intimidation and harassment by tax and other government officials are used to censor rural media.

Although some media specialists find the updated 2000 media law more progressive, some of its provisions represent obvious setbacks. As mentioned by some panelists, two articles in particular cause journalists concern. Article 19 states that if a media outlet loses cases in court three times it can be subject to closure. Article 50 states that members of the parliament have the right to revoke an individual journalist's credentials. The journalist has no legal recourse to reverse the decision.

Uch Nogte, an independent newspaper, was closed in August 2000 after being convicted of violation of statutes three times within 12 months. The paper lost the case brought by the Siruz Tabrizli, Minister for Information and Press. Khoshgadam Hidayatgizi, the editor-in-chief of *Uch Nogte*, called the court decision "groundless and biased." The court ruled in favor of the minister despite protests by leading international media watchdog organizations and a hunger strike by journalists from 10 publications that lasted more than a week. (IJNet; "Court orders closing of an independent newspaper in Azerbaijan"; <http://www.ijnet.org/Archive/2000/8/31-47907.html>)

According to the present media law, all media outlets are supposed to be registered with the Ministry of Print and Information. However, on April 19, 2001, Azeri President Aliyev signed a decree eliminating the ministry, thus leaving the country without a government agency regulating the media. Without the ministry, no agency exists to fulfill provisions of the nation's media law to register media outlets, and even prior to the abolishment, the ministry had been refusing licenses for a month, without any explanation. The establishment of a new press council in the president's office is planned to replace the abolished ministry.

The adoption and implementation of new media laws, the need to create public television in Azerbaijan, and other similar issues were discussed at a meeting organized by journalists' Union *Yeni Nesil* with

assistance of the Council of Europe. Participating were different media assistance organizations, including Press Club and Internews.

However good the new laws are, their implementation depends on two factors: training of journalists and the reform of the judiciary system. Many good laws can be adopted but until they start working they make no difference. (Arif Aliyev, President of *Yeni Nesil*)

The situation with registration and licensing of broadcast outlets is worse than that of print media, since there is currently no law on broadcasting in Azerbaijan. The regulation on how to register a broadcasting media outlet and the process of obtaining a license theoretically consists of five steps, one of which requires the independent station to receive a certificate from state television about the quality of its equipment. This is ironic, because some independent stations have more modern equipment than the state ones.

Politics, bureaucracy, and corruption are all involved in the very difficult process of registering and obtaining a license. One panelist represented a newspaper that is unable to do strategic planning for longer than a three-month period due to the changing registration procedures. This newspaper was told it had been operating illegally for a year, thinking that it had successfully registered the year before. Its assets were frozen and the paper was asked to pay US \$42,000. Even when the matter was resolved some eight months later (after a smaller amount was paid), the paper was then informed that it had to pay a 15-million manat surcharge on the original fine.

Despite the existing procedure, no regional station except *Kapaz* in Ganja managed to obtain a license. Other regional stations operate without formal registration and are totally dependent on the will of local governors. When the authorities deny registration, they often use “technical” reasons that are very obviously not valid, such as “there are no frequencies available,” while the Internews representative stated that there are about 40 free channels.

The panelists agreed that the updated 2000 law does not protect journalists well. If a reporter is attacked and the police are informed, they will in the best of cases promise to investigate, but nothing will happen. There are very few independent media outlets in Azerbaijan. To survive financially a sponsor is usually found to provide the capital that is needed to operate. This involves being funded by the state, an opposition party, or a wealthy businessman. Having sponsors hinders the efforts of media to provide content free of any bias.

Market entry conditions and the tax structure for media are comparable to other industries, and the tax system is not fair to any industry. Time and again panel members stated that the government used tax authorities to pressure independent and opposition media outlets. Tax audits and inspection by fire officers, police, and other state departments are effective tools to tie up financial and human resources. Azerbaijani newspapers have special provisions in the tax legislation for lower taxes but apparently these laws don’t work. Panel members mentioned that advertising revenues are not exempt from taxes, even though they are the main source of income for papers.

In March 2001, the parliament (Milli Mejlis) adopted a law exempting the local media from customs duties. The Amendment to the Law on Customs Tariffs stipulates that mass media products can be exported duty-free and importation of media equipment and products is exempt as well. (IJNet; “Media in Kazakhstan, Kyrgyzstan and Azerbaijan may soon be exempt from some taxes,” <http://www.ijnet.org/Archive/2001/3/22-8859.html>). For a while a “double taxation” on imported newsprint was imposed, which led to reduced number of copies and, in some cases, closure of papers. The artificially created newsprint shortage is one of the ways of local authorities to contain opposition papers’ issues during important public events, such as parliamentary elections. (IJNet; “Azeri journalists protest newsprint shortages and attacks on reporters,” <http://www.ijnet.org/Archive/2001/2/15-8540.html>)

In May 2001, the Tax Ministry filed a criminal case against Shamil Sefiyev, the financial department chief of independent TV station ABA, for “tax evasion” and “use of forged documents.” Sefiyev was forcibly removed from his office by seven policemen on May 23 and delivered to the local police office, where he was not allowed to see his lawyer for several days. Apparently, the reason for this action was the station’s financial success, which was not “properly shared” with tax authorities.

On May 3, the committee for rights of journalists, RUH, distributed a statement on the occasion of the international day of mass media claiming that 40 violations of rights of journalists were registered in Azerbaijan during the first four months of 2001. During the reported period, journalists from nine mass media outlets were subjected to physical and moral harassment while on duty. Five journalists were detained for ten days, one for seven days, and one for 12 days. Lawsuits were brought against nine newspapers, and seven newsstands of the private firm Gaya were pulled down.

Libel articles exist in both criminal and civil codes. The MSI panelists pointed out that the category into which any particular case falls depends on who is libeled. Journalists sometimes get imprisoned, although this measure is not as widely used as economic pressure against media outlets. According to the recently adopted Law on State Secrets, any media outlet that publishes information containing “state secrets” (the definition is open to interpretation) must disclose the source of information and share the responsibility for it with the source. If the media outlet refuses to disclose the source, it will have to assume the full responsibility for the published information and be prosecuted. (IJNet; “Law on State secrets amended in Azerbaijan; www.ijnet.org/Archive/2001/3/9-8673.html). Cases of corruption among judges and prosecutors are widespread, including those dealing with cases of libel, and public officials are never held responsible for their deeds.

Technically, public information is available to all journalists. There are no legal regulations that stop media from accessing this information, except for information that is considered sensitive to state security and economic activities. This exception has been left open to interpretation. During MSI interviews, comments were made about how information is readily provided to media outlets loyal to the provider. In various instances, it was claimed that lower-level employees were told not to provide information to members of independent or opposition media. This is difficult to prove because the lower-level employees do not refuse to give the information; they simply do not volunteer it.

The laws on public information are often ignored. For example, one law stipulates that a government agency employee must respond to a media inquiry within 24 hours, but it doesn’t happen, especially with the law enforcement agencies. The higher the rank of the official approached for information, the less likely that journalists will have their requests addressed. Independent journalists’ organizations have no means to address the lack of access to information in any consistent or organized way.

Article 52 states that the citizens of the Azerbaijan Republic have the right to gain direct information from foreign sources, including mass media. Mass media in Azerbaijan do use the Internet to gather materials. MSI panel members mentioned that one obstacle is the lack of English language ability possessed by other journalists. Instead, Russian and Turkic sources are relied upon. Another barrier is the cost of access to the Internet and to news services due to the poor economic situation. There is almost no access to international media in hard copy. The discussion panelists suggested that workshops should be organized for journalists on effective use of the Internet, as well as English-language courses. Internews and the Soros Foundation have plans to do this.

All journalists must be accredited to report on government activities, according to Article 50 of the 1999 Mass Media Law. To be allowed into the parliament building, for example, journalists must receive accreditation from parliament. Credentials can be revoked by the accrediting organization, without legal recourse by the journalist. A panelist mentioned that when hiring a journalist, the advantage is given not to the candidate who has completed a journalism program but to the candidate who has a degree in economics, petroleum, or any other specialized knowledge. The number of journalism programs is

limited, with Baku State University still the largest establishment, and the one most harshly criticized for its low quality of teaching. One of the biggest problems in journalism education is the lack of new textbooks.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exist (investigative, economics/business, local, political)

Very few media outlets can be considered truly objective or independent. Most newspapers publish articles whose content corresponds to their owners' political agenda. There is no clear understanding of the criteria to judge who is objective in reporting in Azerbaijan. "Most journalists do not have a good understanding of what standards of quality are.

Entertainment prevails over news in the programming of most independent TV and radio stations. An Internews report says that "Azerbaijan is in need of improving its news quantity" and provides a figure of about 3.5 hours of news on average per independent station per week.

A local NGO developed an ethics code, which was open to voluntary signing by media. Only six organizations have signed this document to date. Many MSI panelists felt that the pressure to produce unethical material is due to the economic situation. The more financially secure a journalist or media outlet is, the more they are able to resist the pressure to publish articles that are biased. ANS TV station has developed its own code of ethics, mainly using the experience of Western broadcasters. The articles include a ban on showing decapitated bodies and identifying names and faces of rape victims, on demonstration of material erotic in nature before the evening hours, and other widely accepted world standards.

Self-censorship is practiced in Azerbaijan in order to avoid investigations, audits, threats, and beatings. This practice is in place due to the influence the current government and business environment exerts over mass media.

The overall opinion is that most of the media in Azerbaijan are politically affiliated with a source of funding. Opposition parties do not have adequate access to the government-owned media and create their own media outlets. Political figures buy media outlets, which serve their interests. There are many newspapers in Azerbaijan which sell for 100 manat (less than two cents USD); they are at the mercy of whoever pays for the content of the paper. Of course, it is difficult to speak about professional standards in the context of those papers. Even if journalists working there are professional, they cannot be objective and impartial.

The papers that charge a market price have higher professional standards. A newspaper with higher standards is more expensive to produce. Unfortunately, the processes going on in Azerbaijan at the moment is similar to the problems of Russia in the recent past, where the independent media have been almost totally destroyed. The government uses economic leverage to control independents, which means that most media outlets have to "sell" their freedom.

Journalists are able to cover key events and issues. However, sometimes covering a controversial event, such as a protest demonstration by an opposition party or a police attack on the offices of an opposition paper, can pose danger for journalists. There have been numerous cases when reporters were beaten and

jailed along with demonstrators, and their equipment damaged. (IJNet; “Journalists beaten and jailed covering protest in Azerbaijan”; <http://www.ijn.net.org/Archive/2001/4/27-9412.html>)

Income levels for all journalists are low. In some spheres salaries have not been paid for months, and this leads to lower ethical standards, the departure of qualified journalists for other fields, and financial sponsorship which influences content. Journalists often accept bribes to produce favorable coverage. One of the panelists had met a young TV reporter who thought that filming people and getting money from them was the “point of being a journalist.”

Many statements were made about the public demand for sensational material, which in a way justifies producing such materials. However, the counterargument was that people know where they can get serious news. If an outlet participated too long in reporting sensational items, it would tarnish its reputation and might lose viewers or readers. Panelists tended to think that yellow journalism is popular now but will not last too long.

On the whole, media equipment is outdated by at least ten years. Computers are widely available. There are a limited number of media outlets that are modernized (ANS TV, *Azeri Times* and Turan Information Agency) but even at these outlets there is a desire to constantly upgrade equipment. This creates a technology gap not only between media outlets in Baku, but more important, between urban and rural populations. Internews has loaned out approximately US \$160,000 worth of television production equipment to independent stations in Azerbaijan—cameras, editing systems, microphones, lighting equipment, and tripods. In some of the smaller regional stations, Internews has provided up to 80 percent of the equipment.

Specialized publications exist in the economic and business, political, and arts and entertainment niches. Investigative reporting is almost nonexistent. TV programming also focuses on politics, economics, and business. There is a very popular program on ANS TV, which deals with the Azeri-Armenian conflict: “Telemost” (Space Bridge) uses technology to open the dialog between Armenians and Azeris.

The trend in hiring journalists is to prefer reporters with university degrees in specialized areas. Due to the existence of oil in Azerbaijan, qualified candidates in this field are sought after. Many publications either specialize in oil news or have big sections covering this area—especially the news agencies, whose biggest subscribers are Western oil companies.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

People in Baku have greater access to media sources compared to people in the villages and smaller towns. Often in the village teahouse one can see one newspaper copy going from table to table because people cannot afford to buy individually. Only in the larger cities is there public access to Internet, which practically does not exist in the villages.

A variety of newspapers exists and provides a wide array of views. However, the population's access to them is limited. By different accounts, there are between 350 and 700 registered newspapers; about 150 of them are active, and only 60 are printed regularly. According to Yeni Nesil (the Independent Journalists'

Association), the number of papers printed per person is .08, which does not allow the population access to information. If 50 percent of the population can't get information, then the journalists' work is voided for those people, said Arif Aliyev, the head of Yeni Nesil.

The print media play only a secondary role in providing the Azeri public with information on developments in politics and other aspects of national life, because small numbers of publications are printed, and most readers have limited purchasing power. Rural audiences use TV as a main source of news, which is why the regional stations have problems registering. Today there are 13 independent TV stations operating (eight in the regions and five in the capital). People living in the regions bordering other countries (Armenia, Iran, Turkey) can receive programming from these countries. In the regions bordering Armenia, the TV program *Telemost* can only be watched through the Armenian channel. Most of the FM stations are concentrated in Baku, as transmission outside of Baku is limited. Thus radio programs outside of the capital are dominated by the government influence. BBC and Radio Liberty also broadcast outside of the capital.

Most private media outlets (print and broadcast) provide national and international coverage, as well as local news. Some publications, such as *Caspian Business News*, an English-language newspaper, cover regional news.

It is legal to listen to foreign broadcasts and read foreign news, and the government does not block access to foreign news sources on the Internet. Internet resources are inaccessible for financial rather than political reasons. There is no direct restriction on domestic or international media. The poor economic situation in Azerbaijan makes it difficult for people to have access to the Internet, cable TV, and newsprint. The average newspaper costs 1,000 manat (20 cents USD), cable TV costs US \$25 per month, and Internet connection costs up to US \$50 per month. To put this in a perspective: a loaf of bread cost 500 manat (10 cents USD). With a country of over 1 million internally displaced people and an average monthly income of \$43 per month (UNDP, Human Development Report, 1999), people are barely able to afford many of life's basics. In the regions, the government can restrict access to information through distribution, on which it has a monopoly.

The state-owned media devote all of their space and time to the official news and materials featuring the president and his immediate surroundings. Educational and cultural programming is weak. Independent media strive to provide a balanced view to the predominately state-run or opposition outlets. One repeated comment was that a better economic situation would allow media to be more profitable—that is, to increase revenues from advertisements. Financially sustainable media would lead to more independence. ANS, for example, can afford to show programs that reflect different, sometimes conflicting points of view on religious, military, and political issues. Panelists also mentioned that advertisers and investors are attracted to impartial outlets, which can boost their profits.

Public television will be created in Azerbaijan soon, in accordance with the requirements set by the Council of Europe. In early May 2001, one of the opposition parties submitted its draft law on public television to the parliament, suggesting that it should be structured as a closed-type joint stock company under public control. The draft also envisioned liquidation of the two state channels. However, parliamentary leaders opposed the idea and argued that the Council of Europe recommendations do not require the abolishment of state television, and that even democratic countries had stations financed and managed by the government. Most likely, one of the two government-owned channels—AZTV-1 or AZTV-2—will be transformed into a public channel. A project is in development to train specialists (managers, reporters, etc) for public broadcasting.

Most media outlets use information provided by news agencies, which have become very successful. Although 32 information agencies are registered in Azerbaijan, only about one third of them are in operation. Turan is by far the most successful; it was founded in 1991 and issues daily information on politics, business, oil and gas, and culture in Azeri, Russian, and English. Sometimes the papers

requesting agencies' information become heavily indebted and then the supply of news is cut off. However, some agencies, such as Turan, do not charge papers that cannot pay and provide information for free. The prices for business users are much higher compared to newspapers, and revenues from business subscribers are the main source of income for the agencies.

The most widely accessible media outlet in Azerbaijan is the state television channel, AZTV-1. It is the only broadcaster received throughout the country, and is considered the sole source of news and information for as much as half of the country's population. Its primary function is to provide information on political developments, specifically the activities of the head of state, government officials and bodies, and to explain state policies. There are also private television companies based in the capital, Baku: ANS, Space-TV, LIDER, ABA and AZAD-Azerbaijan, all with limited area of coverage. SPACE has just installed transmitters that allow it to be seen throughout the country. LIDER may be able to do the same by the end of the year. Regional independent stations are not registered and are dependent on the will of regional governors. ANS, SPACE, and LIDER produce their own news. AZAD-Azerbaijan does not produce or broadcast any news. ABA only produces a business news program. On May 24 ABA signed a long-term contract with CNN, Reuters, and Deutsche Welle to broadcast their news in Azeri.

The news produced by the state and private channels differ dramatically. The private ones tend to be more objective. For example, during the unsanctioned demonstration organized by the Democratic Party in April 2001, protesters were severely beaten by the police, which was reported by independent stations. At the same time, the state TV was showing policemen who allegedly suffered during the demonstration. People's trust in state-funded TV is very low.

Even though media ownership in Azerbaijan is by no means a transparent process, people in general know who owns most outlets. However, this information is mostly disseminated through rumors and is not officially public. Moreover, most of the country's profitable and influential businesses are, directly and indirectly, in the hands of individuals close to the president. Compared to the situation in Russia, where moguls sometimes represent the opposition to the government, and regional governors have wider independence, in Azerbaijan the government controls all major processes.

Media are available mainly in Azerbaijani, Russian, and English. There are five English language newspapers in Baku. BBC broadcasts 24 hours a day in all three languages. There is a program in French. TV broadcasts are in Azerbaijani and Russian. There are no illegal languages in Azerbaijan. Minority newspapers in Lezgin, Kurdish, and Georgian languages exist, but are only printed in the regions where there are higher concentrations of these ethnic groups. The number of copies printed is usually so small that it would be impossible to try to sell them throughout the country. State radio programming exists in the Armenian language, which broadcasts from Baku to the Nagorno-Karabakh region. Independent media cover social issues, although minority issues can be difficult and create tension because of the unsettled problems in Nagorno-Karabakh.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

Azerbaijan has both state and private publishing houses. There is plenty of competition and prices are reasonable if newspapers are able to pay. State-supported media outlets are often allowed to pay late.

Independent and opposition newspapers are allowed to pay late as well; however they are pressured to pay their debts in full or face closure.

There has been a recent crisis with the rising cost of paper that has forced many papers to reduce the number of copies they print or even to close altogether. Newsprint cost goes up while the cost of services of printing houses goes down.

Many private media outlets cannot survive without subsidies from a sponsor, but most of the revenues for independent media come from advertising. Circulation provides income but usually does not cover even the cost of publishing. It is a very small market with many outlets competing for a limited amount of advertising funds. The oil-related advertising boom ended in 1998 when a great number of businesses closed their doors and left Azerbaijan. Since then it has been difficult for independent media to remain economically independent.

However, the tendency is that the more independent a broadcasting company is, the richer it becomes. In Georgia, Rustavi-2 has captured 70 percent of the advertising market and had US \$ 3 million in profits last year. Foreign investors get attracted to such revenues and express interest in purchasing these highly profitable enterprises. Some investors are also interested in buying some of the Azeri stations. However, there are hidden obstacles to this process. The government has ways of influencing the decision making process of many companies when it comes to advertising, and thus the stimulus to produce more objective reporting and attract larger audiences (and consequently more advertisers) also suffers.

There are over 40 advertising agencies in Baku; the majority of them are print-related. Larger international businesses use only advertising agencies to distribute their ad budget. There are a smaller number of local businesses that use the agencies. The trend among international aid organizations is to conduct business directly with outlets. According to Article 13 of the 1999 Mass Media Law, print publications should not contain more than 40 percent ad content, and in TV and radio programs [transmissions] advertising should be no more than 25 percent of the broadcast programming. Most print publications accepted this law because at this time there was not enough advertising to come close to 40 percent (the current average is approximately 20 percent.) When asked what they would do if there were more than 40 percent in ads, they said they would just increase the size of the paper. One newspaper representative explained how half of their ads were a form of a barter deal. This is a very common practice.

The advertising market is very limited and most media are engaged in fierce competition for advertisers. The oldest independent station, ANS, also considered the most successful one, has already felt the impact of LIDER's competition.

The government long ago learned not to directly close down outlets that were not favorable to them. They have tried to "purchase" the opinion of the paper and only a few have been able to avoid this. Since electronic media have higher operational costs, the issue of subsidies is more important for them. Some hope that the public television is the alternative to government-owned broadcasting that will not depend on either government subsidies or the political interests of the financing body.

However, many expect the experiences of neighboring countries Armenia and Russia to recur in Azerbaijan. In Armenia and Russia the content of public broadcasting is often identical to that of the government channel. Most hope that this process will gradually change within four to five years. One should compare the broadcasting situation in Azerbaijan with that of seven years ago; there are now five independent channels that strive to provide competitive programming.

This competition also helps raise the professional level, because the viewers are not going to watch 1.5 hours of news coverage about the president—a practice that AZAD-Azerbaijan and LIDER did before.

Now, they have to change with the market and broadcast what viewers demand. Everyone agreed that economic freedom is the most important part of independence.

Market research is not conducted on a professional level. No regular ratings for print media are produced by any commercial organization. Due to political and economic instability, planning is very difficult. The independent media association Yeni Nesil conducts what they call “monitoring” of the popularity of newspapers and topics, which includes surveys conducted several times a year. Some editors interview individual street vendors who can provide information on the level of interest generated by one or another topic. In broadcasting, rating studies are expensive: weekly reports cost US \$10,000 per year to produce.

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

Azerbaijan has various associations in place to assist and strengthen journalistic professionalism and unity. Among the more established media associations are Yeni Nesil (Press Club), the RUH Committee to Protect Journalists, and the Journalists' Trade Union. The Union of Journalists, established in Soviet days, is no longer funded by the government, and although it has the largest number of members, it is not very active in promoting journalists' rights.

With assistance from Internews, eight regional stations formed the Association of Broadcasters in December 2000, which also helps journalists to protect their rights through legal advice and by representing stations that are forced to close by the government. There is also the Council of Editors, which usually publishes notes of protest and joint statements of newspapers when journalists' rights are seriously violated.

The trade associations interviewed claimed that they are actively involved in promoting journalist' rights, lobbying the government, and improving ethical standards. The reaction of panelists was mixed when asked if there were trade unions and associations that work to protect journalists' rights. Several panelists gave the example of the international campaign to free the journalist Fuad Gahramanli, who was sentenced to 18 months in prison on questionable grounds. He was released after four months due to the pressure created by the Journalists Trade Union and other organizations. However, there were opposition opinions that local organizations really did not protect or help, and in fact it is the appeal to international organizations that has the most impact. One panel member suggested that more needs to be done to train both NGOs and journalists in their rights and obligations. Such seminars have been organized by the Press Club and by Internews in the past.

Similar actions were taken to free the editor of the *Eni Musavat* opposition newspaper Rauf Arifoglu, who was jailed on dubious charges of hijacking a plane. The Council of Editors then threatened the authorities that they would bring the case to the attention of the Council of Europe. The Council of Editors attracted much of the attention of assistance organizations in the international media (the Committee to Protect Journalists, Reporters Sans Frontieres, International Press Institute and others), members of which sent letters of protest to the Azeri government. The editor was released after the Ambassadors of two countries—members of the European Union—visited Arifoglu in jail to investigate the case.

There are about 20 NGOs registered as organizations related to media work, advocacy, and human rights. According to panel participants only two of them function. NGOs such as Free Person (human rights) and the Association of Women Journalists exist, but their scope of activities is limited.

Many journalists have no formal training and get their experience on the job. The Baku State University and most private universities have journalism departments, Baku State being the oldest. However, the level of journalist education there is very low. Almost the entire teaching faculty consists of nonpracticing journalists. The biggest problem in journalism education is the lack of new textbooks: there is an acute need to prepare new teaching materials so that students can write objectively and use new equipment.

Students can get journalism degrees abroad, through the US State Department-funded Edmund Muskie program. A few exchange programs are now also being established. Even though media outlets are able to absorb journalism graduates, very few can offer the most qualified conditions attractive enough to make them stay.

Media training in Azerbaijan is mainly organized by foreign and local NGOs. The Center for Entrepreneurship Support also conducts training on business reporting. However, many journalists feel that more workshops take place than they have time to attend. In the view of editors, although in-house training may be useful, the best type of training is travel to international sites for practical exposure to different styles of management and operations.

Most of the newsprint is imported from Russia and is in private hands. However, the government can still exert pressure to control imports through customs. There are both private and state newsprint and printing facilities. According to panel members State printing faculties do not censor or ban any newspaper from printing with them (with the exception of photographs that do not flatter the president). Private print houses are cheaper and offer a variety of services, but papers with larger print runs prefer to use the larger, state-owned print house “Azerbaijan,” as they cannot rely on the equipment of the private ones. According to some calculations, to open a modern, independent print house will cost around US \$3 million.

Panel participants agreed that the government controls the distribution of print media in the regions: “There is a monopoly on the distribution of information. For broadcasters, the government has the monopoly to grant frequencies and for print publications it has the monopoly on distribution.” If an article appears in a newspaper that is unfavorable to the local governor, copies of that issue will not be distributed in that region. In Baku, there are two alternatives to the state distributor, the Gasid company. One is the privately owned Gaya firm and the other is the street vendors that represent small, often unregistered enterprises. Gaya kiosks were closed in a recent incident, which has been interpreted by many as a Gasid effort to protect its monopoly on the distribution market. However, individual street vendors are much harder to control.

Most independent channel transmitters are private and are placed on the outlet’s own premises (SPACE uses the governmental one). In one instance, a new independent channel placed a transmitter on the government-owned TV-tower, but was later closed down by the authorities. The attempt to then remove the transmitter was unsuccessful, and the transmitter is still there.

List of panel participants

1. Khayal Tagiyev, ANS, an independent TV station
2. Ilham Safarov, Internews, an international media assistance organization
3. Arif Aliyev, Yeni Nesil, Journalists Association
4. Chingiz Sultansoy, Baku Press Club
5. Murad Kadimbekov, *Sobitiya* newspaper
6. Farid Gahrmanov, Turan News Agency

Observer

Richard Tracy, IREX/Caucasus Regional Advisor
The USAID Democracy Officer was unable to attend

Panel moderator

Nika Kazimova, former Internews associate

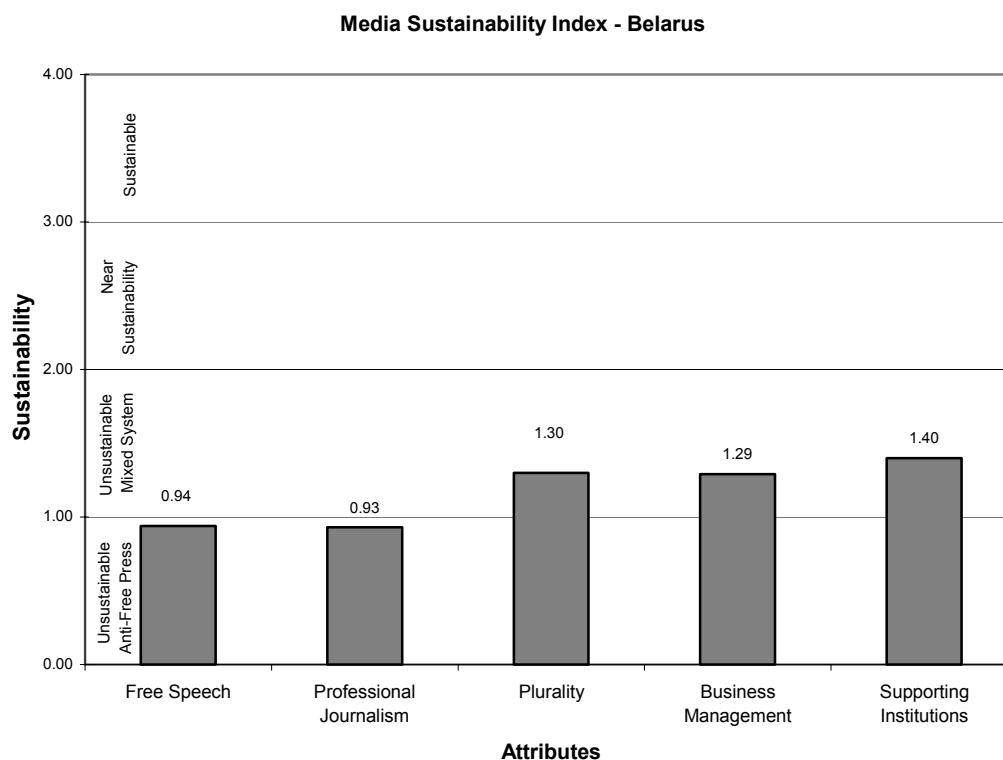
Belarus

Introduction

Belarus is a society in crisis. It is the only former Soviet republic that has overtly rejected the path of democracy and market reform, paying lip service to democratic values, but keeping a tight lid on expressions of dissent. The President, Alexander Lukashenko, is an authoritarian figure, with an almost paranoid fear of the West and his own domestic opposition.

The press is divided into two camps: the state, subsidized media, and the fledgling independents, which are trying to exist in an economy that cannot support them. The non-state print media is largely dependent on foreign donors for the funds to survive; any development comes as a result of grants and other forms of international support. This creates a tense situation of mutual envy and distrust. The private media deride the state press for not daring to assert themselves and kowtowing to a dictator. The state media respond with accusations that their “so-called independent” colleagues have sold out to the West, and have put their talents and their principles at the service of those who use their wealth to slander on the lawful government of Belarus. This is a highly polarized, unhealthy environment to conduct the kind of media research the MSI requires.

IREX/ProMedia in Minsk conducted its MSI panel study in two stages. First, in compliance with the rules set out by the MSI team, IREX invited representatives from state and independent media and from international organizations, and hired a trained sociologist and pollster to handle the session. The expected carping between state and non-state media was significantly greater than anticipated on the day.



Scoring System

- 0** = Country does not meet indicator; government or social forces may be actively opposed to its implementation.
1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.
2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.
3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.
4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

- Above 3: Sustainable and free independent media
 2-3: Independent media approaching sustainability
 1-2: Significant progress remains to be made; society or government not fully supportive
 0-1: Country meets few of indicators and government/society actively opposing changes

Attribute #1: Legal norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry conditions and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

Belarus is a very contradictory country when it comes to free speech. The constitution guarantees free speech, and laws exist that aim to bring Belarus into the international sphere by harmonizing national laws with international standards. However, as elsewhere in the former Soviet Union, the written law often does not reflect actual practice. Media laws guaranteeing freedom and independence exist as well, but these rights and freedoms are quite often infringed with impunity.

There are many factors affecting Belarusians' ability to exercise their guaranteed rights. One factor is the "genetic fear" that many speak about—the legacy of the Stalinist years, when one wrong step could mean imprisonment or death. This widespread insecurity has been passed down through the generations and does have a significant effect on civil rights. Also significant is the paternalistic approach to governing that predates the Soviet years. Rights can be abrogated or infringed upon "in the interests of common good," and the rights of the individual in relation to the collective have never counted much. There is also a feeling among many Belarusians, arising from the phenomenon of government paternalism that those who make waves deserve to be punished. Outrage at infringements of free speech are rare, except for those orchestrated by human rights groups such as Charter '97, the Belarusian Helsinki Committee, and others. These groups in turn tend to be viewed with distrust by many Belarusians as being "paid for by foreign money" and serving the propaganda interests of foreign governments.

Courts do provide a measure of protection, and in the past year several cases have been decided in favor of media outlets attacked for their frankness. However there are still many instances of "telephone law,"

whereby judges are instructed on how to rule in sensitive cases. The State Press Committee controls licensing; this was formerly the purview of the Ministry of Communications, but the procedure is now being revamped. On the books the procedure is fair, but violations are more the rule than the exception. A radio station like 101.2 can have its license withdrawn for being too controversial (1994), a television station like Channel 8 can have its frequency taken away and given to a city government organization just because it is convenient to the government bodies (late 2000). Commercial stations pay hefty “fees” for licenses (the going rate is close to US \$200,000), which is prohibitive to anyone without heavy backing.

While most would agree that the economic situation for all businesses in Belarus is uniformly bad, media are at an added disadvantage because of their sensitive political position. The fact that media must be registered with the State Press Committee makes it fairly easy to refuse market entry to those media outlets the state deems inconvenient. Taxes are high everywhere, but the special needs of the press—print and distribution—also make it more difficult for them to withstand pressure from above. Distribution is accomplished mainly through the mail system, a government monopoly, and independent newspapers pay much higher tariff than state-subsidized ones. Private print outlets do exist, but they are few; access to government print outlets is nominally equal for all, but there have been numerous instances where a printing house has refused to print a paper it considers too oppositionist. All of this results in a situation where the media face much more difficult conditions for entering the market than other kinds of business.

Crimes against journalists are fairly rare in Belarus compared with some other former Soviet republics (for instance, Russia). This does not mean, however, that the picture is rosy. Journalists may be detained, harassed, or even beaten in the course of their work, but arrests, imprisonment, and death are extremely rare. Two prominent cases can be mentioned here: Dmitry Zavadsky, a cameraman for Russian station ORT, disappeared one year ago and is presumed dead; and Pavel Sheremet, an ORT journalist held for over two months by the Belarusian government in 1997.

There are few investigative journalists in Belarus, but those who do attempt in-depth reporting on controversial subjects may be summoned to the prosecutor’s office or otherwise harassed. One young journalist from a major national daily had to hire bodyguards after publishing an article that explored the reasons for the murder of a regional official. In no case in recent memory has any state official been publicly reprimanded, or anyone prosecuted, for offenses against journalists. Nor do these cases cause much outrage in the general public. Independent journalists are painted as rabble-rousers or in the pay of foreign governments, and few Belarusians seem to worry about their fate.

While the law guarantees equal access to information for state and independent media, cases of violations are almost too numerous to count. Many regional newspapers have been told outright that the governor’s office, or the mayor’s office, has prohibited any state organizations from giving interviews or any other kind of information. The low level of professionalism in media complicates access to information; few journalists are willing to challenge government officials on legal grounds, demanding the information to which they have a right. Many journalists also do not know where to go for information, and this affects independent media more than state outlets, to which information is often readily given.

There is little real independence in either the state or the non-state media. The state media are directly controlled by the government and serve the government interests, while the independent media are forced to seek sponsorship to keep afloat in difficult economic times. This means that some nominally independent media outlets serve interests of political parties, which supply much-needed funds; others sell their services to businesses for hidden advertising. Still others rely on foreign donors, often trying to gear their coverage to what they feel the donors will want. All of these factors erode editorial independence.

Libel in Belarus is both a civil and criminal offense. At present there is a case, which is not being vigorously prosecuted, charging an editor with criminal libel for publishing an article saying that President Lukashenko is mentally ill. Criminal libel charges are fairly rare, however; much more common are “honor and dignity” cases, where the prosecution does not have to prove malice, or even falsity—it is

enough that the article in question caused “emotional distress” to the person described. Privacy laws make it difficult to write about public officials at all without opening oneself up to one of these charges. An official can claim emotional distress if his wife is described in unflattering terms, or even if she is described at all. Public officials, rather than being held to a higher standard, are afforded additional protection under the law. The president can sue almost anyone for almost anything. Fortunately, there have not been many cases where journalists have been imprisoned, or even fined for these kinds of cases. Often they are settled out of court.

Public information is available, but not always easy to access. Many government officials try to withhold information, and many do not deal with journalists from the independent press at all. As mentioned above, some of the fault lies with the journalists themselves, who do not always know their rights or the best way to go about exercising them. While the law guarantees equal access to information, the practice is that independent media are often disadvantaged when it comes to receiving what should be public information.

There are no formal restrictions on access to international news. The Internet has made that all but impossible. Most media outlets have access to the Internet, and shortwave radio transmits the BBC, Radio Liberty, and numerous other international sources into the country. Russian media are readily available (including television). In some parts of the country, residents have access to Polish or Lithuanian television as well. The problem, as ever, is financial. Many media outlets have access to the Internet, but have to restrict usage to a few hours a day. Subscriptions to foreign news agencies are almost prohibitively expensive.

Language is an emotional issue in Belarus, where the overwhelming majority uses Russian as their first language, even while claiming that Belarusian is their mother tongue. However, there are no laws promoting or restricting one or the other language at this time: both Russian and Belarusian are considered official state languages.

Entry into the journalism profession is largely free to all comers, and there is little interference by the government in admission to journalism schools. Unfortunately, Belarusian graduates are subject to the official “distribution” that existed in the Soviet Union: they have to work for two years wherever the government sends them. In practice, most journalism graduates can sidestep this requirement and gain their own employment.

Some news events require accreditation, and there have been instances where “opposition” journalists have been denied entry to specific events. However, journalists do not require a license, and anyone who wants to write and can get published can be considered a journalist.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exist (investigative, economics/business, local, political)

Belarusian journalists score extremely low on any scale of fairness and objectivity. This is due to several factors, the most important of which are the polarization of society and a long tradition of subjectivity in reporting.

Journalists, like society, find themselves split into two camps, “state” and “non-state.” The state journalists enjoy some privileges, notably easier access to information, and higher pay (state media outlets have a privileged economic status, which allows them to attract and keep the best of the journalists). Those who work in the non-state media often do so either because their professional qualifications are too low to allow them a place in the higher-paid state media, or because they see themselves as freedom fighters waging war against the authoritarian president. Neither of these conditions makes for fair and professional media. Panelists repeatedly told us that “Western” rules of fairness and objectivity cannot be applied to Belarus because the government media do not play by those rules; hence the independent media must do the same—i.e., fight fire with fire. This leads to much ranting and mud slinging on both sides, with the result that the reader often adopts a “plague on both your houses” attitude.

A few media outlets try to adhere to more professional standards: *BDG* and *Belarussky Rynok* in Minsk, and *Intex Press*, *Gazeta Slonimskaya*, and *Brestsky Kurier* in the regions. These newspapers enjoy wide popularity, especially in the regions. Nevertheless, the fact that so many newspapers in Belarus are donor-supported has undermined much of the incentive to improve the quality of reporting. Instead, editors and journalists try to anticipate and satisfy the tastes of the donor community.

For the most part, there is a great deal of “news” in the Belarusian media. While commercial publications do exist, they certainly do not eclipse news. The problem is not the quantity of news, but its quality.

The other major problem is a long tradition of exhortative journalism, going back to the nineteenth century. Belarusians, like Russians, see journalism as a social mission: the task is not so much to inform the reader as to shape him. This, combined with a very Soviet contempt for the “lumpenproletariat” leads to a situation where journalists and editors not only do not avoid subjectivity, they actively embrace it, seeing it as their moral and social duty.

Given the dire economic situation in Belarus, it would be naïve to think that journalists and editors would be immune from monetary inducements. But the practice of selling coverage is compounded by the political situation: political parties and other groups are willing to pay for favorable coverage in their battle with the president, and they do. Hidden advertising is common, as is political propaganda masquerading as news coverage.

Ethical standards have been developed by journalists’ associations, most notably by the Belarusian Association of Journalists, but they are widely ignored. This indifference seems to persist across the media spectrum, in all mediums and age groups. In the tense political situation in Belarus, self-censorship is common. Both in state and non-state media, editors and journalists cannot afford to offend the government. A careless word can result in a tax audit, a license being revoked, or, in severe cases, a media outlet being shut down. There are numerous examples of this: Alfa Radio, a popular FM station in Minsk and regions, was shut down for a day after they had announced an opposition demonstration. Since then, (approximately a year ago) they have been much more careful in their news releases. Business interests do not play as great a role as political ones; Belarus is a long way from emulating the media oligarchs of Russia, for example.

Key events may be covered or not, depending on the attitude of the central government. For example, when asked how his television station was planning on covering the presidential elections (September 2001), one director confided, “Frankly, I am not.” He went on to explain that, with so much invested in equipment and training, he simply could not afford to annoy the state structures.

There have been numerous cases of newspapers receiving warnings from the State Press Committee (after three warnings a paper can be closed) for mentioning demonstrations organized by unregistered groups. Since the state controls the registration process and prohibits the media from covering the actions of unregistered groups, they can effectively control coverage of organizations they find objectionable. Media will sometimes cover security issues—several newspapers ran a substantiated story about the defense

minister having been diagnosed as mentally ill—but this is rare, and retribution of one kind or another usually follows (the newspapers in question were issued warnings on other grounds soon after the articles appeared).

The economic situation in Belarus is, in general, extremely bad, and journalists are not paid better than average. Pay scales, especially in the independent media, are so low as to make corruption the rule rather than the exception. This results in selling stories or positive coverage in many cases, as well as hidden advertisements and endorsements. Political parties and groups in fact pay for many articles that go under the rubric of news. This seems to be more rife in print media than in the electronic sphere, probably because print is less regulated. The electronic sphere is much more tightly controlled and more vulnerable to attack from Belarusian authorities. While there is certainly some outflow from journalism into other, more lucrative professions, this does not seem to be a major problem, except in the provinces. In the regions, lower pay scales and a harder life make it all but impossible for smaller publications to attract and keep qualified journalists. This results in high turnover and lower standards.

Belarus, like Russia, is a country where serious news and literature have long predominated over entertainment. Compared to most Western countries, there is quite a lot of news on television and in newspapers. This does not mean, of course, that the news is fair and objective—only that the ratio of hard news to entertainment is surprisingly high. There are certainly entertainment and advertising publications, but not to the extent that they eclipse the more serious ones. The problem in Belarus is not the lack of information, but its reliability. Objectivity and fairness are largely absent all across the media spectrum.

Belarus is not well developed technically, and this has proven a major problem for the media. Many newspapers have so few computers that journalists have to write their stories by hand, and then have them typed into the office computer by a typist. Digital cameras, laptops, Internet access, digital recorders, and other accoutrements of a modern newsroom are largely absent. In television, where technology is king, this lack is keenly felt. In several media outlets, the lack of private transportation has made newsgathering problematic, especially, again, for television.

Distribution is another major problem. Most newspapers are distributed through the mail system, at prohibitive cost. Belarus would need major investment to create an alternative distribution system, but so far funds have not been available. International donors have contributed a great deal of money and technical assistance, but much more funding and development is needed before Belarus has the technical means to produce high-quality news.

Niche reporting exists, but not on a very high level. This is due to deficiencies in the education process (journalism faculties are fairly old-fashioned and Sovietized, with little emphasis on niche reporting), as well as constraints in the society. Investigative journalism is frowned upon, especially coming from the independent press. There are several business papers, but without the kind of depth of analysis that we would see in the West. Political reporting is often on the level of propaganda, although some exceptions do exist. There is some very good analysis in *Belarusskaya Gazeta*, a national weekly, and fairly good political reporting in *BDG* and *Belarussky Rynok*.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

Most Belarusian citizens can afford newspapers, and television is widely available. The two main Russian-language stations cover the entire country, and the third Russian station, NTV, covers major cities. Belarusian National Television covers the entire country, and there is a network of independent broadcasters in the regions.

Russian television covers very little Belarusian news, and Belarusian Television is controlled by the state, so there is little plurality of viewpoints available to most television viewers. There is a system of independent regional television that provides somewhat more balanced coverage, but their news production tends to be sparse and cautious. In radio, the main state channel blankets the country in a cable system known as “Radio Tochka,” (“Point Radio” in English). There are good FM music stations, but they do little news, and tend to be cautious. With newspapers, the situation is a bit better. There are independent publications on both national and regional levels, and anyone who wants to buy newspapers can do so. Economic considerations do play a role; whereas in Soviet times people could afford multiple newspapers, now many stick to just one or two.

Obviously, city dwellers have access to a greater variety of sources than people do in remote rural regions. There are villages and collective farms where very little independent news is available. Given the expense of distribution, many independent publications cannot afford to spread their resources over a very wide area, and independent radio and television do not penetrate into some of these remote areas. Internet use is not widespread, although it is growing. According to a poll last year, fewer than 10 percent of Belarusians have ever used the Internet, and only a small number of those polled say they use it regularly. Universities provide access, and a system of resource centers throughout the country is also helping to alleviate the dearth of Internet services. For the next few years, however, the Internet will not be a major factor in Belarus.

Belarus has remarkably few restrictions on access to foreign news sources. Shortwave radio is readily available, Internet access is not blocked, and cable TV (including CNN and BBC World) is fairly inexpensive. In the capital, many subscribe to cable television, while in the regions this number drops. There are no legal restrictions on listening to or reading foreign news. There are not many foreign newspapers readily available, but this seems to be an economic consideration rather than an attempt by the government to restrict access.

State media are unfailingly biased in their coverage, controlled as they are by the government. During the recent elections, this bias amounted to wholesale attack on any opposition, or any other alternative viewpoint. There is no “public” media in the Western sense, only state media and independent media. While many independent media outlets, such as regional television and newspapers, are more or less nonpartisan, there are independent news sources that mirror the government’s bias. A national, independent daily such as *Narodnaya Volya* has no more integrity or credibility than the state newspaper, despite its “democratic” billing. It uses the same techniques of innuendo and mudslinging as the worst of the state media; only the targets are different. There is opposition radio—such as *Radio Racyja*, broadcast out of Poland—which tries to offer more professional programming and largely succeeds. But it is undeniably slanted toward the opposition, and the coverage tends to be one-sided.

Independent news agencies exist in Belarus, such as BelaPan and Radio Racyja, which is functioning more and more as a news agency. BelaPan is not cheap, but programs to provide it to regional newspapers have made it fairly affordable to the independent press. BelaPan is used widely, and Racyja is becoming better known and is occasionally cited even in the state press. The level of reporting in BelaPan is adequate, although not up to the standards of Russia’s Interfax, not to mention international wire services. However, it has the foundation of a good agency.

Very little independent broadcast media produce extensive news programming. While there exist 21 independent regional television stations, only half have their own news shows, and those are sometimes

as sparse as 30 minutes per week. Mainly, independent television tries to avoid controversy while catering to the needs of their viewing public. There are quite a few good FM stations in Belarus, but no “talk radio” on the scale of National Public Radio in the United States. Most are music stations, with only 3-4 minutes of news per hour. Some radio stations are doing a good job of covering the news—the new Unistar, broadcast by Belarus State University is a good example—but most avoid controversy. As cited above, Alfa Radio in Minsk lost its signal for an entire day, due to “technical difficulties,” right after it had broadcast news of an opposition demonstration.

Media ownership is nominally transparent, but there are cases where the real owners may not be apparent. In the case of government outlets, this is not a problem: everyone understands who “owns” the outlets and what that means for credibility (surveys show that independent news sources are more widely trusted than state-owned ones). But with private media outlets the situation is more complex. The information is supposed to be transparent, but often is not. For example, one major national daily, *BDG*, is rumored to be financed partially by state capital, although the owner of record denies this. Another national weekly, *Belarusskaya Gazeta*, is rumored to be backed by Russian capital, which it also denies. These rumors have had a negative effect on the papers’ credibility, particularly regarding the sensitive issue of union with Russia. In television, as well, ownership can be a thorny issue. City governments looking for means of control over independent television sometimes buy in through shell companies, or subsidiaries, to make their participation less apparent.

Most Belarusian media outlets do provide coverage of social issues and are not often hampered in this by the state. The real problem is lack of training in social issue reporting, and the resistance of official sources to giving statistics that may give a negative picture of the country. Belarus has a fairly homogenous population, although there are some religious differences that cause problems. The government has been cracking down on “sects,” and this sometimes results in harassment of activists in this sphere, although journalists have been writing about the harassment freely. There is some minority language media, and they are legal; there are some Polish-language newspapers in the Western regions.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

Printing and distribution are sore points with the Belarusian media, tying up considerable capital and causing enormous political ill will. There are only two independent publishing houses in Belarus: Magic and Plutos. Of the two, Magic is the largest, printing many, if not most, of the major independent newspapers. However, Magic became entangled in a financial and political dispute with the government. The printing press was given to Magic by the Soros Foundation, and in late 2000 the government seized the press in settlement of tax debts that it levied against Soros. Magic’s major press is now sealed, and papers are being printed on an older machine, which is also now tied up in argument and acrimony. This press had been given to a Belarusian activist and publisher, Pavel Zhuk, who decided to use it for his own commercial purposes. At this point, papers are being printed at Magic, but many editors have moved on to other printing houses, since the quality and speed of the older press are not up to their standards. Some have gone to Plutos, and others have gone on to state printing houses. There seem to be adequate printing facilities, charging reasonable prices, available through the state network, but editors of independent newspapers feel vulnerable to political pressure. Independents fear that the state publisher will refuse to print them if they attempt to publish controversial material (this has happened to several newspapers in the regions, most recently to *Provintsialka*, a new paper in Pinsk.)

With distribution, the situation is worse. There is almost no home distribution in Belarus outside of the mail system, which is a state monopoly. The tariffs are extremely high, consuming up to 40 percent of a newspaper's revenue. Editors of independent papers say that they are being penalized by higher tariffs. Independent newspapers are assessed distribution costs up to three times higher than those of the state-subsidized press, and they claim that their money is going to subsidize the cost of distributing the state papers. There are some fledgling independent distribution systems in place: two operate out of the capital, and several are located in the regions. They are all associated with a newspaper or a newspaper network: an example is BelKP Press, which publishes *Komsomolskaya Pravda*, and distributes it and several other papers to central points in the regions. *Intex Press* in Baranovichi has launched a home delivery system in its region, and is now expanding. These distribution systems have promise, but much remains to be done.

The sources of media financing are varied, but not all of them promote better-run, independent media outlets. With the economy in ruins, Belarus has a very limited advertising market; in addition, low market-oriented culture makes it difficult for media professionals to take advantage of what opportunities there are there. Quotas on advertising also complicate the picture. Advertising cannot exceed 30 percent of space in a newspaper that is not registered specifically as an advertising paper, and enterprises cannot spend more than 2 percent of their revenue on advertising. Subscriptions and kiosk sales account for up to half of revenue, but prices are kept artificially low by state regulations, and in some cases newspapers lose money by raising circulation. The other half (or some cases as low as 30 percent) of revenue is supplied by advertising, but revenue earned by sales and advertising at best cover half of a newspaper's expenses. In television, managers supplement their income with private messages to clients, such as birthday greetings. For many regional stations, these are the main source of income.

All of this makes the private media vulnerable to pressure from a variety of sources. Political parties can buy space and favorable coverage in newspapers, as can businesses. Foreign aid organizations try to help, but their assistance often creates even more of a dependence mentality in beneficiaries, making them more reluctant to raise their own financing, and resulting in an increasing politicization of the press. Media recipients may see the aid as payment for coverage. For example, a panelist from one regional newspaper had received a grant from United States Information Service (USIS) to write about the third sector. He told IREX that he was relieved when the grant was over, because he no longer felt bound to write about NGOs in an exclusively positive light. Currently, most of the national and many of the regional papers are partially dependent on donors for survival. Television is less so, because much less donor money has gone into independent television, and only those outlets that have become financial self-sufficient are extant. Radio seems to be fairly profitable; it costs less to produce than television, and generates more advertising revenue.

Advertising is still on a fairly primitive level in Belarus, although there are agencies that work with all the media. Independent newspapers are in the worst position, perhaps because they have not been forced to aggressively develop advertising, relying as they do on donor funds. Television stations have also not been particularly aggressive in courting advertisers, but they do generate enough revenue to cover operating costs. When Belarusian state television decided to replace advertising from the Russian station NTV and with its own clients, the station found it was unable to attract commercial advertising. It had to fill in the ad time with Public Service Announcements, such as "Keep Your Entryway Clean" and "Don't Forget to Pay Your Taxes." (In general, Russian stations negotiate deals on advertising revenue with the Belarusian telecommunications industry, but NTV was selling its own advertising in Belarus.) Advertising accounts for less program time than in the West, generally taking up 3-4 minutes per hour. Advertising revenue in Belarus is too low, as are subscription prices. This has to do with the state of the economy and the level of state interference in the media sector.

Given the level of political polarization in Belarus, it is not possible that independent media would receive government subsidies. Unfortunately, this independence, though desirable in the abstract, cannot be perceived as an indication of sustainability.

There are market research firms in Belarus; one of the major ones, Novak, did a large project for IREX in 2000. However, the services of such organizations are beyond the means of most media outlets, so other than occasional projects like IREX's, media rely on amateur, in-house methods of customer research. In general, the same problems that plague the media in other spheres apply to marketing research. For those media outlets that have to rely on their own resources, contact with their consumers is important, and they will try, however imperfectly, to tailor their product to their clients' demands. For those media outlets who rely on donors, such information is less important; they tend to decide themselves what their reader wants, and to give it to him regardless. After the IREX survey, we did note changes in several of the major, better run newspapers in the country. One paper added a "city" section in response to readers' stated demands; another targeted men from 25-40, a sector that the survey showed was under-exploited in their region; still another paper changed its design. However, these cases are the exception, rather than the rule.

Circulation figures are suspect, since Belarusian papers are just as liable as others to inflate their figures to impress advertisers. A recent audit by the State Press Committee resulted in lowering the stated circulations of many national newspapers. With broadcast, the situation is more complicated, since there is no independent means (such as printing receipts) for assessing audiences. Media outlets rely on ratings agencies, such as Novak (above), and they often cannot pay for the services of a professional. They rely on amateur, in-house phone surveys, or make estimates based on the number of telephone calls they get to place private ads. In general, this basic market research not a major factor in broadcast policy.

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

There are embryo organizations such as the Regional Association of Editors and Publishers, and the Television Broadcast Network (TBN) that unites regional television managers, but these organizations do little to provide members with benefits or collective bargaining power. The Regional Association of Editors and Publishers organizes projects such as Plus TV, a color supplement that provides members with an attractive television-programming guide and also sells advertising. They also work with international donors to buy paper at bulk rates to distribute to members. TBN purchases programming collectively for members, and tries to unite regional stations in news exchanges and other projects, but many stations do not seem to have reaped many of the benefits. The Belarusian Association of Journalists (BAJ) unites independent journalists and attempts to protect their rights through lobbying, legal advice, and professional training. However, BAJ's resources are not sufficient to address the myriad problems facing Belarusian journalists, and the matter is further complicated by personality clashes and other internal squabbles that limit the organizations' effectiveness.

Human rights groups such as Charter 97, the Belarus Helsinki Committee, and BAJ monitor violations of press freedom and publicize them. These groups exist throughout the country, and journalists have access to their help when needed. Unfortunately the Belarusian government does not pay much attention to these groups, so their watchdog function serves largely as a signal to the West, rather than a curb on government excesses.

There are journalism degree programs, but most do not prepare journalists for the real-world challenges. Journalism degrees abroad do not help much, since the language tends to be a barrier, and most programs that sponsor students for study abroad report low rates for Belarusian students returning home after their

programs. There are sufficient media outlets to absorb the graduates, but not enough qualified journalists to go around, and many of the best leave the profession because of economic concerns. There are also numerous short-term training opportunities, mostly run by international agencies. Instruction in everything from the very basics of journalism to ethics and management is needed, since many Belarusian journalists have no formal training. The most popular courses tend to be in computer-aided research, Web design, and other technical fields.

List of panel participants

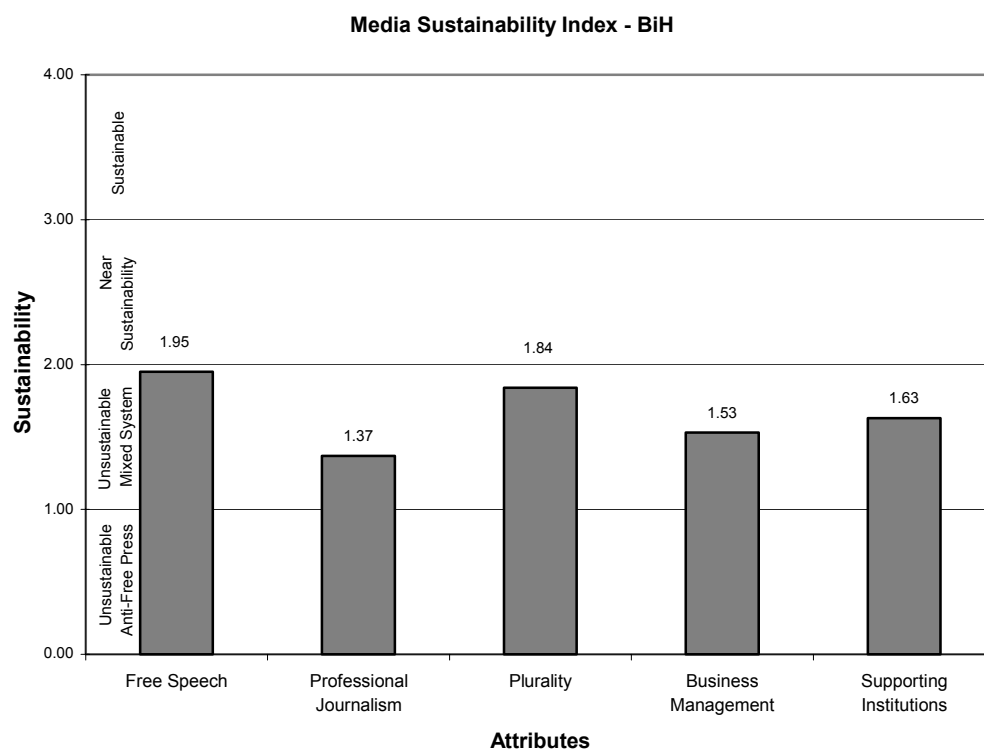
1. Alexander Ulitenok, Editor of *Svobodnye Novosti*, independent weekly, circulation 35,000
2. Dmitry Likhuto, USAID representative
3. Viktor Malyshevsky, News Editor, *Komsomolskaya Pravda*, independent daily, combined weekly circulation of over 400,000
4. Alexander Gulyaev, Vice President of the Belarusian Association of Journalists (BAJ) and deputy editor of *Den*, independent newspaper, published three times a week, combined weekly circulation 15,000
5. Beata Rozumilowisc, OSCE representative
6. Alexander Krugliakov, Public Diplomacy Section of the American Embassy, also host of a morning news program on Belarusian Television
7. Jean MacKenzie, Resident Advisor, IREX/Minsk
8. Alexander Parfentsov, Internews
9. Sieva Ragoisha, OSI
10. Sergei Krivin, Director of the Television Broadcasting Network, a group of 21 independent regional television stations

Bosnia and Herzegovina

Introduction

Media in Bosnia and Herzegovina (BiH) operate under very dynamic conditions. A total of 272 active media outlets, both print and broadcast, survived the war and media expansion was encouraged by the liberal conditions for launching new outlets and by significant foreign support. By the beginning of 1997, the number of media outlets had increased to 490. Independent media has received the most vigorous foreign assistance, as they are critical for BiH's ongoing process of national reconciliation, economic restructuring, and democratization. However, the development of independent media is all too often hampered by controlling political interests of ethnically based ruling parties whose priority is to maintain their power and resist serious reforms. Often, the same political actors who used media to pursue their goals during the war and the immediate aftermath continue to influence media outlets today. Political pressure on media in general is a widespread problem in BiH.

In the past two years, the period of media expansion has given way to a period of market consolidation, particularly for broadcast media. In 2000, the Independent Media Commission (IMC) identified 268 broadcast organizations using nearly 700 transmitters, which made Bosnia one of the highest per-capita broadcast markets in the world at the time. Cooperating with the Organization for Security and Cooperation in Europe (OSCE) and the Office of the High Representative (OHR), the Independent Media Commission (IMC) granted temporary broadcast licenses to selected stations and began implementing measures to curb piracy. These actions caused many small broadcasters to go out of business. The Communications Regulatory Agency (CRA) replaced the IMC in 2001 and is currently in the process of granting local, regional and national concessions. The issuance of permanent licenses will decrease the number of stations as well.



Scoring System

0 = Country does not meet indicator; government or social forces may be actively opposed to its implementation.

1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.

2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.

3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.

4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

Above 3: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government not fully supportive

0-1: Country meets few of indicators and government/society actively opposing changes

The development of the media sector continues to face numerous obstacles. The legal and regulatory media framework in Bosnia and Herzegovina is presently undergoing some changes but more reform is necessary. The CRA designed a new Freedom of Information Act (FOIA) that was passed by the government, but there are other areas of legislation that still require attention. Poor business management practices, saturation of the media market, and a weak economy frustrate media sector progress toward financial sustainability. Supporting media institutions—private and independent printing houses, independent distribution systems, and professional associations—do not function in the best possible way, further obstructing media development. Bosnia's journalists' associations are often split along ethnic lines, and the broadcast and publisher associations do not operate efficiently.

The overall quality of journalism remains low due to the years of conflict and the resulting brain drain that has deprived Bosnia of many talented and experienced journalists. Reports and broadcasts produced by post-war Bosnian journalists exhibit little imagination, are based on limited research or fact-checking, rely heavily on press conferences and official statements, and remain excessively focused on the politics of the principal cities (Sarajevo, Banja Luka, Mostar).

A variety of media products are available and accessible, but media remain largely tied to their respective entities and ethnic groups, and therefore do not provide information related to the larger political or ethnic picture in BiH. In reaction to these market trends, political parties are trying to consolidate their control over media outlets and are working to tighten their grip on electronic and print markets.

The international community has been relatively successful in facilitating cooperation across entity borders and ethnic divides. Independent media have received the greatest assistance from international donors, because they are critical for BiH's ongoing process of national reconciliation, economic restructuring, and democratization. However, the development of independent media is all too often hampered by controlling political interests of ethnically based ruling parties whose priority is to maintain their power and resist serious reforms. Often, the same political actors who used media to pursue their goals in wartime still continue to influence media outlets today. Political pressure on media in general is a widespread problem in BiH.

Organizations such as the Soros Foundation, the European Union, USAID, OSCE and OHR have implemented independent media programs that are designed to help media outlets provide citizens with professional, balanced, and objective information; selected media outlets have received training and technical assistance. These activities have had a positive impact, enabling a large number of existing media outlets to survive and allowing for the creation of new independent outlets.

Attribute #1: Legal norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry conditions and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

The BiH constitution guarantees legal and social protection of free speech. The constitution's legal provisions are even harmonized with international human rights standards: Article II of the State Constitution states in Paragraph 2 that "the rights and freedoms set forth in the European Rights and Fundamental Freedoms and its Protocols shall apply directly to BiH. These shall have priority over all other law." Unfortunately, there is a noticeable lack of political will to enforce basic constitutional rights. Government authorities and high officials often prohibit freedom of speech by threatening journalists with the tax police and other intimidating measures. Another obstacle to enforcement in general is the lack of independence and the level of corruption in the judiciary. Still another problem is public apathy: freedom-of-speech violations rarely cause public outrage. Only the bravest journalists dare raise their voices against violations, but even they are afraid for their security. The right to the freedom of speech remains a paper guarantee without meaningful implementation on the ground.

In 1999, the international community in BiH established the Independent Media Commission (IMC). Its major functions were to regulate media development and broadcast licensing. Recently, this commission merged with the indigenous Telecommunications Regulatory Agency (TRA) to form a new organization called the Communications Regulatory Agency (CRA). The CRA has taken over the work of the IMC and continues to issue permanent broadcast licenses. To receive a permanent license, broadcasters must submit a very detailed application responding to a number of criteria: financial sustainability, ability to satisfy the needs of the region covered by the station, diversity of broadcast programs, etc. There are still some internationals on the CRA's Board of Directors, but soon the entire operation will be transferred to Bosnians. Although there are minor problems with licensing in BiH, overall the procedure is fair and competitive.

Media law in BiH does provide equal opportunity for market entry, when compared to other businesses. The legal norms regulating market entry and tax structure for media outlets are enforced. There is one tax law in BiH, which is applied equally to media and other businesses. Media must be by law 51 percent Bosnian-owned. Media with sufficient profit potential to attract foreign investment must be able to operate without hindrance over the entire BiH territory. Unfortunately, very few outlets have succeeded in achieving this level of operation so far. Nationwide broadcasting is complicated by the fact that it presently requires dual registration and taxation in the Republika Srpska (RS) and the Muslim-Croat Federation. Existing political and legal barriers between the two entities and de facto barriers between Muslim and Croat areas of the Federation effectively divide the country into three media markets, none of which function as a stable market.

The most frequent crimes against journalists take the form of court prosecutions for defamation or libel. There are also cases of physical violence against journalists. In a country with a small number of free and independent media daring to publish or broadcast investigative pieces, crimes against such journalists happen relatively often. The most violent crime committed to date has been a car bomb. Zeljko Kopanja, owner and editor-in-chief of Banja Luka's top-rated independent daily *Nezavisne Novine*, lost both legs when a bomb planted beneath his car exploded on October 22, 2000 in Banja Luka. At that time, *Nezavisne Novine* had just begun publishing stories on war crimes in BiH, giving rise to the suspicion that the assassination attempt was a terrorist act aimed at intimidating journalists who investigate such issues. Kopanja's case prompted a public outcry because of its brutality, but in general other crimes against journalists do not cause significant public reaction.

As most crimes against journalists are driven by political decisions and in reality have little to do with actual defamation or libel, the security of investigative journalists is very low. Rarely are offenders in these cases prosecuted, simply because those that have instructed them to commit the crimes do not want their identities to be disclosed. The country is burdened with corruption and crimes are most often committed by high-ranking politicians or by members of their families. Nepotism and misuse of state resources are very common and journalists are well aware of this fact. In general, crimes in BiH are not prosecuted aggressively; therefore media cases do not differ from other complaints. To get a valid court – ruling, people are often required to wait for more than a year, if not longer.

No division exists between public and private media regarding access to information. While there are no laws favoring public over private media in that respect, there are some indications that such favoritism exists. Public media, be they at the entity, municipal, or cantonal level, are viewed as friendly to public officials and political parties, and therefore are the preferred clients when it comes to making public comments, granting interviews, or providing information to reporters. Until recently, public media were completely run and influenced by ruling political parties. Now powerful businesses often own media outlets and use them to further their business interests or to serve the interests of the local ethnic community. The international community has taken a lead in transforming media on both the state and entity levels, with the main goal of eliminating any potential influence on the content of media.

The High Representative in BiH decriminalized the libel and defamation chapters of both BiH entities' criminal codes in July 1999. As a result, libel and defamation are no longer criminal offenses and both fall under the jurisdiction of civil laws. This decision will be valid until the parliaments of both entities adopt new libel laws. The drafts have already been prepared and are pending decision in both parliaments' forthcoming sessions.

BiH has recently adopted a Freedom of Information Act (FOIA), both at the state and Republika Srpska levels. The Federation has not yet adopted this law. Except for the special provisions in the FOIA allowing the government to withhold information from the public, no other law precludes independent media from access to public information. The information deemed inaccessible to the public is related to foreign policy issues, defense and security interests, monetary policy issues, crime prevention, some confidential commercial information, and personal privacy.

The state-owned telephone and postal companies (PTT's) are the major Internet service providers in each entity, but access to the Internet is available to all who wish to subscribe and the state does not place any restriction on using it as a source of information. Although media outlets have unrestricted access to international news, it remains largely inaccessible due to prohibitively high prices. Accessing foreign sources of information by buying rights for certain programs is hard due to the generally restricted financial means of media outlets. Piracy is still a problem in BiH, but less so since the Independent Media Commission introduced a system of fines for all media broadcasting illegally acquired movies and airing foreign news programs without proper contracts.

The state does not provide any special privileges, or impose any restrictions for any specific group of reporters/editors, precluding them from freely entering the journalism profession. No licensing is necessary for reporting on special events. The government does not in any way control entrance to journalism schools.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exist (investigative, economics/business, local, political)

Teaching the techniques of investigative journalism is still the focus of all international and local organizations providing training to BiH journalists. Since investigative journalism was, for obvious reasons, not popular in socialist times, and because most journalists are young and inexperienced, this particular knowledge is much needed. Several independent magazines in BiH are very good at producing investigative reports and checking sources, both local and international. The best examples are the reports on corruption and war crimes published in *Dani* magazine, *Slobodna Bosna*, or *Nezavisne Novine*. These magazines have received staff training and have also managed to keep some of the pre-war, experienced journalists. They are distributed in both entities and serve as models for developing the practice of investigative journalism at other publications in BiH. Unfortunately, editorials with biased comments and a lack of balance between fact and opinion are still common in BiH. Journalists employed in media outlets set up and influenced by the ruling political parties at the national, cantonal, and municipal levels self-censor their work to satisfy certain editorial policies and for fear of losing their jobs. Other reasons for self-censorship are the fear of offending political circles or officials, the need to conform to certain business interests, or pressure from chief editors.

In BiH there is a code of ethics that has been adopted by the five professional associations: two in the Federation (one independent and one non-independent), two in the RS (independent and non-independent), and one in the Croatian region of the Federation. These ethical standards have been relatively widely accepted and they do not in any way contradict ethical standards developed by other European journalistic associations.

Key political events are usually covered, but a variety of other issues are not: some social topics, economic development, the environment, health, etc. War crimes and terrorist acts are also topics requiring much courage to cover. There is a certain level of freedom exercised by independent media in covering events related to security issues. Their reports are professional, balanced, and neutral. The serious economic problems persisting in BiH affect reporters' salaries, which are very small but still on par with other professional salaries in the country. The average income is between 300 and 500 DM, which discourages the independence of the profession and does result in cases of ethical violations (e.g., selling favorable coverage, etc.).

Niche reporting in any of the print or broadcast fields is rare, but it is slightly more accepted and practiced in print. Reporting in such areas as science, health, business, and social issues remains very limited. Lack of training and experience is a major constraint to broadening areas of coverage, although the assumption that the public has little or no interest in a broader range of topics is also a contributing factor.

Financial improvement of media outlets depends greatly on the share of entertainment versus news programming. Currently, entertainment programs do not eclipse news and information. However, local media outlets do tend to have a larger share of entertainment programs and the inclusion of more news

programs could force the audience to look for more engaging formats. Although television is the most popular and available news medium, other types of media offer enough information to satisfy almost everyone's needs, even though access to these sources is limited by people's inability to pay for foreign papers, cable television, or Internet connections.

Technical facilities and equipment for gathering, producing, and distributing news are insufficient for BiH's needs. Only a handful of television stations—NTV Hayat in Sarajevo and ATV in Banja Luka—have state-of-the-art equipment. Several stations have received donations of equipment from USAID, the Soros Media Center, the Canadian International Development Agency (CIDA), and the EU, but often this equipment is already relatively outdated. Leading newspapers and magazines are for the most part adequately but modestly equipped; the typewriter is still a common tool for many journalists in BiH. There are a total of five printing houses in BiH, but their outdated equipment often serves as an obstacle to producing timely and high-quality products.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

The question of access to a variety of sources of information is very different from the issue of affordability. While it is true that BiH citizens can in fact access different sources of information, the reality of the situation is that very few people can afford them. In urban areas a larger number of people can afford to buy papers, but the overriding problem is that print media is expensive for BiH citizens: the average salary is approximately 400DM and a local daily costs 1DM, magazines cost 2DM and foreign publications cost four to six times more. There is a high level of unemployed or underemployed persons with irregular incomes in the rural areas that simply cannot afford to purchase print publications. Without an official survey on the affordability of print media, the estimate of the population that can afford to purchase publications is approximately 20 percent. However, this percentage of the population does not equal the number of people who actually read print editions; each copy of a newspaper generally has more than one reader as they are often passed to friends, colleagues, or neighbors.

Because it is relatively cheap, television is the most popular news medium. Radio follows television in popularity and print media is third. Internet is not available as a media source in rural areas because of the lack of computers. Even in larger cities, Internet is not used frequently. People usually have access to the Internet at their places of work, but do not have it in their homes. Internet service providers are expensive and provide only medium-quality services. The BiH state and entity governments have not imposed any restrictions on accessing information and there are no restrictions on receiving foreign televisions or print publications.

State or public media do not reflect the views of the entire political spectrum; they are not non-partisan, and their primary goal is not to serve the public interest. State-run media's main goal is to protect the interests of their founders, supporting political parties, or influential politicians, instead of providing a wide variety of objective information to the citizens. The international community is presently engaged in the long process of transforming state-run media into true public-service broadcasters. One of the many problems is that public broadcasters cannot collect enough revenue from viewer subscriptions to purchase or produce high-quality programming.

The independent news agencies such as ONASA, which is the only nation-wide independent news agency with offices in Mostar and Banja Luka, are gathering and distributing news for both print and broadcast media. Improvements could be made in the quality and variety of information provided by these agencies. Media outlets have the right and the opportunity to subscribe to the products of any existing news agency in BiH. In smaller communities, media outlets tend to prefer to subscribe to the news agency best suited to the needs of the community, which often means receiving news and information that is geared toward the ethnic group in their respective region. Independent news agencies do provide news in a more or less nondiscriminatory fashion, as their ultimate goal is to maintain the largest number of subscribers as possible. All public media use news agencies as regular sources of information and a large number of media outlets still rely on international donors to purchase news services for them.

Of the nearly 300 broadcast outlets in BiH, the vast majority of both radio and TV stations are in private hands and news programming is considered essential in their programming schedules. Municipal or cantonal outlets also view news as a vital part of their program, but it is accompanied by the promotion of the political agenda of the party that sponsors them. Many local stations use the Voice of America (VOA) or Radio Free Europe/Radio Liberty (RFE/RL) broadcasts as information sources.

There is limited transparency regarding the ownership of private media, partially because the public does not seem interested in this issue. Media outlets' financial operations are generally not transparent and detailed information and figures are often not available even to financial institutions. The main reason for nontransparency is to avoid paying taxes and social benefits and pension contributions for full-time employees. Another reason for the lack of transparency is to conceal financial dependency on a political party. While a political affiliation may or may not be obvious in the editorial policy of a media outlet, political funding is not appealing to the general public and most media tend to hide this information.

The issue of minority media and representation is one of special importance in BiH. Because life is so politicized, even a simple social problem can become an inflammatory political issue. The Bosniak, Croat, and Serb media cover ethnic issues such as civil rights, religious matters, or political rights in a way that would be viewed as minority coverage in other circumstances. Depending on the media outlet and the topics covered, occasionally such news coverage stirs hostile reaction. Although the three main ethnic groups of BiH maintain their own media outlets, other minority groups such as the Roma do not have their own ethnic news coverage.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

There are only a few media outlets and supporting institutions operating as efficient and well-managed businesses in BiH. This is due in part to the competition between private, independent media and the state-owned or public media for advertising, but also because media managers do not have the expertise required to run a successful private operation.

There are several indicators demonstrating the level of management of independent media. One indicator is the way in which media finance their operations; the media's dependence on donor funding is decreasing in BiH and the market is beginning to dictate the survival of print and broadcast outlets. The 2001 advertising revenues, the dominant source of profit for most media, are estimated in the range of

approximately 25 million DM. Broadcast media tend to receive most of this revenue. Recently, OHR issued a temporary provision that increased the cap on advertising time for public broadcasters from four minutes to 10 minutes per hour; this was done to allow the public media to generate more revenue but in effect it has put the private broadcasters at an economic disadvantage. State-owned and public stations tend to have a problem with overstaffing; the successor to RTV BiH inherited approximately 1,500 staff members, when 500 would be closer to the optimal figure. Local program production is a big-ticket item in the local outlets' budgets and the stations usually seek donor funding to offset production costs. High-quality productions are expensive and at times are well beyond the economic reach of even publicly funded media.

Print media are slowly increasing their advertising revenues as well but they still trail behind the broadcast media. International donor funding is the second most important source of revenue for private media. Few print publications receive any substantial revenue from subscriptions, partly because the collection of subscription fees is poorly organized.

In the past few years, several successful local advertising agencies have been established in BiH, including SVRSA, Fabrika, Euromedia, McCann Ericson, and Satchi and Satchi. Media outlets and potential clients did not realize at first the importance of ad agencies in media development, but their attitudes are changing gradually. Media professionals are not sufficiently skilled in using ad agencies, but as international support to media scales back, BiH media are realizing that the only way for them to survive is by selling ad time and space. Currently, TV is the most desirable medium for ad agencies because of audience accessibility and higher-quality products. However, outdoor advertising is increasing as billboards become more popular.

In many cases, the municipal or cantonal governments share ownership of radio or television stations with the stations' employees. These outlets are financed in a slightly different way; the municipality or canton provides either a direct subsidy or a contract to the station to cover what they consider to be the most important events. Interference in editorial policies in these cases is usually insignificant. Independent media occasionally receive subsidies from the government, but this is not a common practice.

Audience research for measuring audience preferences has only recently come into practice in BiH. While the quality of market research products is quite good, rating companies are not used to their full capacities and the number of clients approaching them for research projects is insufficient. Advertising clients are more apt to commission such studies rather than media outlets, which have limited resources and lack knowledge about the value and purpose of market research. Media outlets and other organizations need training to understand how to use the findings.

There are currently two organizations in BiH, Prism Research and Mareco Index Bosnia, which produce good ratings. Both are privately owned and independent in their work. In the past two years the amount of market research has increased to meet a growing number of requests from advertisers and the international community. The quality of the research is exceptional for BiH, but such companies are small in number and charge relatively high prices.

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

The Association of Electronic Media (AEM) was established two years ago as an independent association with the prime task to lobby governmental agencies and international organizations on professional issues. Currently, AEM is working most closely with the Communications Regulatory Agency on the issue of permanent licenses in BiH. Although AEM has about 200 members from all over the country, it is still not officially registered and therefore cannot collect membership fees. The association continues to rely on international support in the form of training and technical assistance. AEM has made significant progress in increasing its membership and representing the needs of its members.

BiH is in a unique position regarding professional journalists' associations in the print sector. There are five different associations: two are independent and nationwide, two are politically oriented and nationwide, and the fifth is exclusively for Bosnian Croats. The division of associations along ethnic and political lines creates problems for journalists and hinders the work of these associations. Membership in professional associations is growing and the legally registered associations regularly collect membership fees rather than relying on assistance from the international community. BiH does not yet have a publisher's association, but one is in the process of being created.

The general role of the NGO sector in BiH is not well defined and organizations that serve as public watchdogs are still in the initial phases of development. These organizations' activities are mainly focused on increasing government transparency and increasing citizens' participation in political and economic life. BiH citizens do not understand what NGO's are; nor do they have enough knowledge about the role of the NGO sector. The international community plays a very active role in BiH on issues that are naturally the province of the NGO sector. However, NGOs have recently become more involved in the creation of new legislation and monitoring or regulatory bodies.

Journalism education programs in BiH tend to be theoretical and do not meet the students' needs for practical training. Bosnia does not have any private universities that offer a journalism degree and there are limited opportunities for students to go abroad for their education. Even though the international community has provided several training programs for journalism students, the media market cannot support the flow of so many young and inexperienced journalists and the vast majority of them end up leaving the profession because of the lack of jobs.

In-country journalism training programs sponsored by the international community are fairly accessible and training providers are trying to include as many participants as possible. The Soros Media Center has operated the BBC school for both radio and television journalism training for the past three years. Media Plan and the Canadian International Development Agency have plans to open and operate journalism schools, and the local office of Internews works in conjunction with the journalism school of the University of Sarajevo. The IREX/ProMedia Program also offers short-term and on-site training programs for its local partners. These international programs offer more practical experience than local journalism programs.

International organizations have begun using local experts and instructors to train local media professionals; expatriates are usually involved only on a consultancy basis. Training courses are generally offered on basic journalism skills and investigative reporting, as well as business, marketing, and management for media. Training in specific topics such as economic reporting, the functioning of state institutions, or relations between NGOs and media are still much needed but rarely offered.

Printing houses and channels of media distribution (e.g. kiosks, transmitters, Internet) are most often in private hands. Owners of the printing houses usually have close contacts with the government and tend to be influenced by them, which can result in restricted or politicized access to printing and other services. Media distribution channels tend to be political and restrictive, since individuals affiliated with political parties or high government officials control them. Kiosks are probably the best source of income in BiH. Printing companies, apart from their own distribution networks, also own kiosks and maintain monopolies.

on them in certain key areas. Independent press publications cannot be sold at kiosks and are forced to use the services of newsboys on the streets.

In the broadcast sector, public broadcasters own the majority of transmitters and the most significant problem for independent electronic media in BiH is signal distribution. Because public media have the monopoly over transmitters, and renting them is not a possibility, it is difficult and complicated for small independent stations to distribute their signals.

Participants

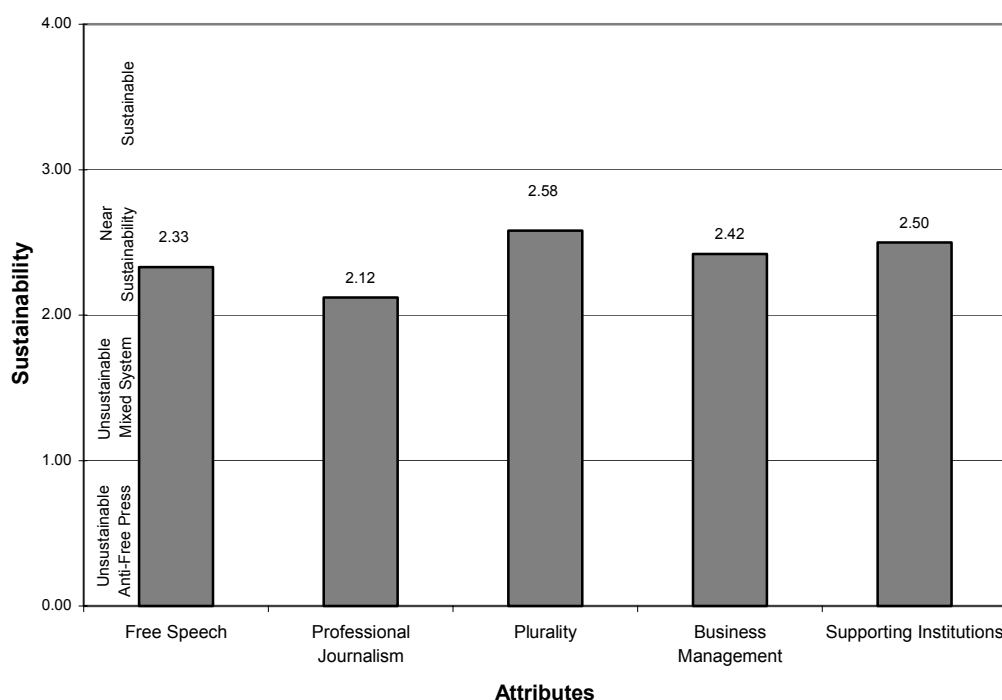
USAID/Bosnia requested that the participants in the Bosnia session not be identified.

Bulgaria

Introduction

Unlike many of its Southeast European neighbors, Bulgaria has managed to avoid ethnic and civil unrest and has steadily moved toward closer integration with the EU and NATO. The reform-minded majority of the United Democratic Forces (UDF) has provided much needed political and economic stability over the last four years. Despite the visible positive developments, some problems persisted and gradually undermined public support for the government. The economy and standard of living are not improving as rapidly as expected; the much-needed social and health care reforms have produced mixed results and stirred discontent; privatization is slow and lacks transparency; foreign investment remains insignificant; cronyism and corruption are rampant; and over regulation hampers business development. Seeing no attractive domestic alternatives, many Bulgarians turned their eyes to the former Bulgarian king-in-exile, Simeon II, who formed a powerful populist political movement competing for parliamentary seats in the June 2001 elections. Avoiding speculation about restoring monarchy and promising to raise living standards, boost reforms, and “bring new ethics into politics,” Simeon II won the support of left and right wing voters and headed a parliamentary coalition (the King’s movement and the largest Turkish party, MRF) and the new government.

Media Sustainability Index - Bulgaria



Scoring System

- 0** = Country does not meet indicator; government or social forces may be actively opposed to its implementation.
- 1** = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.
- 2** = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.

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3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.

4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

Above 3: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government not fully supportive

0-1: Country meets few of indicators and government/society actively opposing changes

The new parliament created a Media Commission headed by a former TV reporter and dominated by the ruling coalition. The new majority expressed commitment to reform media legislation by passing a new Radio and Television Law and a new Telecommunications Law. The main purpose of these changes is to free regulatory bodies from their dependence on the powerful of the day and to grant public status to the state broadcasters, Bulgarian National Television (BNT) and Bulgarian National Radio (BNR).

IREX/ProMedia helped launch a media law reform task force to work on media legislation amendments. The task force includes representatives of independent media, regulatory bodies, and the parliament. The parliament adopted a new Access to Public Information Act, the first one in a series of freedom of information laws, but its implementation is still lagging. Even though fines replaced jail sentences, libel suits still fall under the penal code and remain a tool for harassment of journalists, especially those working in local media outlets.

Independent media in Bulgaria have made significant progress in the last few years. Print media are pluralistic, privately owned, and increasingly better managed. Professional standards, however, remain a serious shortcoming: reporting is often unprofessional, biased, and intolerant. The German publisher, West Deutsche Allgemeine Zeitung (WAZ), controls the two largest dailies in the country and threatens to bankrupt many local competitors. Russian investors have gained control over some smaller publications and used them as a platform to promote their political and business interests. The *Duma* daily, the Socialist Party (former Communist) paper, went bankrupt immediately after the June 17 elections. The UDF daily *Democratzia* is currently the only party-owned newspaper in Bulgaria.

Private radio successfully competes with the still dominant BNR. Private radio networks (some with international investment) have developed across Bulgaria. Just recently, dozens of newly licensed independent radio stations started broadcasting in all major Bulgarian cities. The growth in number of stations is not matched by a similar growth in the advertising market and is seen by the Association of Bulgarian Broadcasters (ABBRO) as a threat to the sustainability of many independent stations. Private television, especially after licensing two independent channels with national coverage, is rapidly developing and challenging the monopoly of the BNT. The first independent TV station with national coverage, BTV, has surpassed BNT in audience and market share. However, the Supreme Administrative Court revoked the license for national coverage granted to the Greek-owned Nova TV, claiming that the State Telecommunications Commission had violated the legal procedures of licensing.

Broadcast media has not yet achieved full independence from government control, reflecting the prevalence of over regulation and political influence in all spheres of public activity in the country. Licensing so far remains biased against independents. Pressure on independent media, especially during the election campaign, demonstrated their continuing vulnerability to government interference. State-owned broadcasters BNT and BNR are not as yet moving toward greater independence from political influence. The broadcast regulatory bodies, the National Council for Radio and Television (NCRT) and the State Telecommunications Committee (STC), have remained firmly under government control.

Professional associations of broadcasters and journalists are in place and have become strong advocates of independent media development. ABBRO and the Bulgarian Media Coalition (BMC) are actively promoting independent media, freedom of speech, and professionalism. The Center for Independent Journalism developed, and the BMC adopted, the General Principles of Professional Journalism, unifying into one consistent Code of Ethics the numerous other codes adopted by different media outlets. ABBRO was elected to chair the Southeast European Network of Private Radio Associations, bringing together associations from the whole region, and is taking the lead in promoting regional broadcasters' cooperation.

The average scores on media sustainability, as analyzed by experts during the MSI panel discussion, present the media scene as not completely sustainable. The highest rating went to the indicator “multiple information sources available to citizens.” Other strong indicators of sustainability were freedom to enter the journalism profession; unrestricted citizen access to local and international media; and entertainment programs not eclipsing news and information programming. Supporting institutions that function in the professional interests of independent media were also said by the panel to be a substantial presence. The lowest indicator ratings went to professionalism in journalism and to the legal and social norms protecting free speech. Other indicators receiving low scores from panelists were:

- Pay levels for journalists in private and state media too low to discourage corruption;
- Journalists and editors practicing self-censorship;
- Broadcast licensing not being fair, competitive and apolitical;
- Libel still being a penal code violation;
- Journalists not following recognized and accepted ethical standards;
- Lack of transparency of media ownership allowing consumers to judge the objectivity of news;
- Media ownership being concentrated in a few conglomerates.

Attribute #1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

Two of the above indicators were rated highest during the panel discussion: access to international news and the unrestricted access to the journalism profession. Panel participants agreed that freedom of speech is guaranteed by the constitution, but relatively good laws are not enforced, and the public is not fully aware of the need to advocate for freedom of speech. As a panelist said, “Even though imperfect, the legislative framework is in place. At the same time, however, there are problems with legal defense in cases of free speech violations. And the really serious problem is whether the public cares for freedom of speech as a basic right.” The new Access to Information Act (AIA) was discussed, but panelists admitted that it is still too early to judge its impact. Some participants mentioned that the Act is premature as there is no clear definition yet of what constitutes a state secret: “The Access to Information Act is closely related to the Classified Information Bill, which has not been passed yet. So, we have a law to regulate access to information but no definition of what is confidential information.” Some panelists argued “In

the absence of a law access was easier than it is now with the AIA.” Others disagreed: “Despite some regulations in the AIA that can be viewed as overly restrictive, access to information is not altogether obstructed, nor is there any discrimination against media outlets based on the type of ownership.” A common view was expressed as follows: “Beyond doubt ours is a decent set of regulations. But not always does the government live up to the level of the legislation.” The legal framework was also criticized for favoring state-owned media over their commercial counterparts.

Licensing of broadcast media is only partially fair, competitive, and apolitical. It was severely criticized by panelists for not being independent of government control. “It is obvious that the Council of Ministers has complete control over the licensing body. Even some independent commercial outlets got their licenses on political grounds.” Granting a license is in the hands of two institutions: the National Council for Radio and Television (NCRT), and the State Telecommunications Committee (STC). The NCRT is responsible for checking the quality of programming. Its members are media experts appointed by the parliament and the president, which happened to represent the same political coalition, the UDF. To a limited degree the NCRT is fair, open, and allows for competitiveness.

Technical licenses are controlled by the government-appointed STC and its procedures are not open to public scrutiny. Once the NCRT and STC have granted preliminary license approval, a special commission under the control of the prime minister reviews the applications approved by the two bodies. The process is entirely political and lacks any degree of transparency. Panel members also mentioned that license fees are deliberately high and aim at purposefully bankrupting many private outlets: “License fees and other related fees for operating transmission networks do not correspond to the level of development of the local market.”

Panelists mentioned that basically, “media are acting in a relatively free market situation, print media in particular. There are no specific tax rates and tax relief. Print media felt a lot of pressure after VAT was introduced.” Discussants stressed that broadcast fees are disproportionately high compared to the economic capacities of radio and TV stations. Over the last couple of years, the media market has shown it is capable of attracting foreign investment (the German WAZ, the Greek Antenna).

Libel remains a criminal offense. Serious pressure from independent media and their associations and from the EU and the Council of Europe led to the abolishment of jail sentences in libel cases, but the UDF government did not decriminalize libel offenses. The financial penalties for libel are very high and can go up to one year of a journalist’s salary. Refusal or failure to pay the penalty may result in imprisonment. Public officials receive preferential legal treatment in libel cases; penalties for libel against government officials are higher.

The panel raised the issue of the inefficient and corrupt court system. Journalists believe that some prosecutors and judges are incapable and/or unwilling to resolve cases, and purposefully delay lawsuits to harass certain media outlets or reporters. “There is hardly anyone convicted for crimes against journalists. So, we couldn’t say that journalists are safe.” Some panel members thought, “Attacks against journalists on behalf of the state are frequent. There are lots of ways for the state to pressure journalists.” In general, everyone agreed that replacing imprisonment of journalists with fines has been a great achievement “We have been fighting a long battle—libel sanctions to be replaced with financial ones. We’ve achieved a lot in this direction.”

Panelists said that state media have a competitive legal advantage: “State radio and TV have a special status under the Radio and TV Act. That’s a direct answer to the question regarding the easier access to information that media legislation provides for the public or state-owned media.” Editorial independence is guaranteed by law, but not enforced in practice. State media receive government subsidies, collect fees, and sell advertising. In addition, they do not have to be licensed or pay license fees. The NCRT appoints their directors and approves their boards. As a result of the political bias in the NCRT, both institutions

are headed by journalists with close affiliations to the ruling party and are involved in pro-government propaganda.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

The average rating on this topic is the lowest compared to the other topics. Panel members thought that self-censorship is still a general practice, quality niche reporting is rare, and pay levels for media professionals are too low. On the issue of quality reporting, the group was split: some argued, “To a great extent we are still lagging behind,” and “There are standards, but the question is whether they are followed.” Others said, “Information is being confirmed by at least two sources. As to the balance between entertainment and informative programs, it depends on the outlet. This balance is beyond doubt imperfect, but let us not forget that private-owned media are businesses trying to make a profit. And they still aspire to objectivity, issues are being approached from a variety of viewpoints.... Competition has compelled journalists to set higher standards for themselves.”

Still, ratings show that fairness and objectivity of reporting remain a troublesome issue. BNT and BNR are generally biased in favor of the government. Independent media try to follow higher professional standards, but broadcast media (because of the political process of licensing) with few exceptions tend to be pro-government in their editorial policies. Print media depend on the economic and political interests of their publishers, often in conflict with generally accepted professional standards. There is a significant difference in pay levels between journalists in private and those in public media, which is one of the main reasons for corruption. Corruption within the profession consists mainly of outside, non-journalistic pressure to publish articles, oftentimes including a payoff. Accepting money or gifts for covering certain events and not covering others is often considered a normal practice in journalistic circles.

The panel agreed that while the importance of following ethical standards is recognized; nevertheless they are not followed, due both to economic pressure and self-censorship. “It is clear that readers are perfectly aware of false and ‘commissioned’ articles when they come across them. Journalists are also perfectly able to recognize a paid-for piece of reportage, regardless of the type of medium, broadcast or print. We cannot have more than 1 here [referring to indicator score for ethics].”

Self-censorship is practiced to a greater extent in state media than in privately owned media. “I am for 1 [score] here,” said one panelist, “because anyone working in state media is simply bound to compromise, if they want to survive.” Most journalists avoid any controversy with their publisher’s policy and with government officials for fear of being fired, sued, or both. Another panelist said: “I think self-censorship is closely related and undoubtedly stems from censorship. It can be censorship on the part of the editor-in-chief or someone else, but journalists are altogether aware that if they write the way they know they should, they will have to leave or will be forced to leave.” Some panel members mentioned that there is a difference between young and more mature reporters in terms of submitting to censorship. “Young reports are painfully sensitive to getting their articles published. So, they try to imitate the style of the editors and to follow closely their ideas. They get driven into self-censorship.”

Panelists said that media coverage of key events depends very much on whether someone’s interests were endangered or not. Still, said one, “In general, I agree that people are able to obtain information on issues

of particular interest when needed.” Some also pointed out, “It is a prevailing practice that print media most often neglect events that may be of interest to average citizens and favor events more relevant to high level officials. For example NATO is a very important subject, but it still isn’t what people on the street are talking about.”

Private media were criticized for being sometimes inclined to spread rumors, which can have the effect of denying information to the public through distortions of news and events. But fortunately the strong competition in the media sector acts to push all media to bring out key issues to the public.

Panel participants agreed that there is definite progress in terms of technical equipment, but there is “still much to be wanted, especially in TV.” They also mentioned that, “In Bulgaria converting to the digital system is still in its initial phase. But technical differences in print and radio are not very serious.”

Panel members agreed that there are journalists qualified to do niche reporting and investigative reporting, but there are many other obstacles. “Such journalism is quite expensive and not all media can afford it. Very few can afford to have on their payroll several people who would be utterly devoted to investigations that sometimes take months to complete.”

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens’ access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

The highest average indicator rating was given to the lack of restrictions on citizen access to local and international media. The indicator on awareness of media ownership got the lowest rating. The lack of transparency on ownership prevents consumers from judging the objectivity of news. Ownership of the mainstream print and electronic media is concentrated in a few conglomerates. Most notably, the German WAZ group owns the two largest dailies, with over 70 percent of the total newspaper circulation in the country. Their local editions have put most of the local Bulgarian-owned press out of business. The Radio and Television Law has strict requirements about transparency of domestic capital sources, but international investors are sometimes registered as offshore companies, and their capital sources are not made public.

All panelists agreed that a plurality of news sources is available to the public, but the situation differs between the largest cities and the countryside. “People in the country, especially older ones, have hardly any alternative sources to state radio.... The availability and variety of news sources is satisfactory, except in the villages where people are confined to state radio and TV; also, Internet access is not available there.” The fact that Internet access is not affordable to everyone was mentioned as a serious obstacle: “On the local level few people can afford access to the Internet, or even print editions.”

The panel members shared the opinion that there are an increasing variety of news programs produced by independent broadcast media, but political interest still interferes with objectivity. “There is a lot of freedom, we witness an increasing variety of news programs, but on the other hand, it is still possible for owners and politicians to impose changes on news programs.” State media are biased and serve the public interest only partially.

Independent news agencies do not exist in the country. The problem is related to the monopoly of state agencies such as the State Telegraph Agency (BTA), which discriminates against some independent print and electronic media. Panelists agreed, “The BTA is a monopolist, and manipulates and selects information. On the other hand, the numerous emerging Internet editions are undermining the BTA monopoly. Some local media outlets have problems using the BTA or other sources, as there are no special subscription rates to accommodate the varieties of outlets, but this is an economic problem, not a legislative one.” Participants said that even though the government influences the BTA, Internet information compensates for their one-sided and biased coverage.

Minority-language sources are not widely available and they remain underdeveloped because, according to participants, public demand for them is relatively low. Panel members also expressed doubts that the presentation of some social events was not quite objective. Said one: “On the issue of making minority editions available to everyone, I’m not quite convinced that anything related to minority rights, or the presentation of social interests, is perfect.” Even though international donors have supported a number of small Roma publications, their circulation cannot satisfy the needs of the large Roma population in Bulgaria. One Roma TV station exists in the town of Vidin (northwest Bulgaria) and is entirely dependent on donor money. State television has recently begun to include Turkish language news in their daily programs, but polls show that few ethnic Turks ever watch these programs.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

Panelists were unanimous that independent media do not receive government subsidies, although indirect funds are sometimes provided to the *Democratia* daily, the UDF coalition paper. Use of market research studies was also assessed highly. However, media revenues from advertising are low. According to participants, many media outlets are forced, because of competition, to produce more ads since advertising is the only source of revenue for broadcast media. “The market is stagnating and advertising is the only revenue source. Private outlets would dump their own rates in the struggle for survival. This affects programming. Despite regulations on the percentage of ads per hour, some radio programs are hard to listen to as ads prevail over everything else.” Still, other panelists mentioned that Bulgaria has a good advertising market and media outlets take advantage of clients: “The truth is that the Bulgarian ad market is more or less developed. And media are advertisement-hungry.” The situation is different in print media. “However, in print media there are several sources of revenue: subscriptions, street sales, and advertisements. Of course the major dailies with huge circulations get most of their revenues from advertising.”

Despite this assessment of the ad market, the panel did not believe that broadcast ratings and circulation figures are reliably and independently produced. Participants voiced their strong opinions that market research is used to manipulate the market: political figures, media bosses, and/or the government sway broadcast ratings in their favor. Some panel members also claimed that quite often agencies would work only with the few highest-ranking radio or TV stations and altogether neglect the rest

On the other hand, many panelists shared the opinion that the publishing business in Bulgaria is lucrative and newspaper distribution is one of best-managed enterprises in the country. “The truth is the publishing business in Bulgaria is more lucrative than in Germany. Newspaper distribution is one of the best-

managed enterprises in the country, providing around 30,000 jobs nationwide.” However, “the biggest print-house is not being used to its fullest capacity, even though it is still subsidized by the state.”

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

Panelists rated highest the indicator on organisations presenting media owners' interests: “If we look at ABBRO, we'll have a 4. It is an organization of international esteem; quite a successful one in promoting private radio stations' interests.” Some panelists praised the efforts of such associations: said one, “Being an insider and having an idea about the activities of such organizations, I am sometimes amazed by how much is being done.” Others participants were more critical. “If we consider the Union of Bulgarian Journalists, the rating should be a zero.” Still, many acknowledged the efforts of professional organizations. The indicator on the professional organizations' protection of journalists' rights, on the other hand, was given the lowest rating. It reflects their lack of action concerning the recent massive layoff of state radio employees by a management which was largely perceived as non-legitimate.

NGO support for freedom of speech and independent media was acknowledged by most panelists, at least in terms of NGO efforts to change legislation. “At least there are attempts to change the legislation. Of course, just like in other fields, the impact of their work is often questionable, but undoubtedly there are some breakthroughs.” Some complained that NGOs are not doing enough: “My grade is 2, because the efforts of the NGO sector are not enough.”

Panel members criticized the quality of journalism degree programs for the lack of modern technical facilities for practical training, the lack of updated and accessible training materials and updated concepts, and little local expertise on journalism education. There are some local short-term training services, which help journalists upgrade their skills or acquire new ones, but these are highly dependent on international aid. Panel participants acknowledged that training courses are available, but criticized their accessibility: “They are hardly accessible due to a variety of reasons. Sometimes it is mere time constraints, in other cases, media outlets cannot afford to let employees participate in such trainings. But since such programs are available and attended, we could have a 2 indicator rating.” Other members were more critical. “First, those programs are not enough, second, the selection of participants is not transparent, and finally, the management is not quite aware of or sensitive to the need to improve their employees' qualifications.”

Media distribution channels are privately owned and provide unrestricted access to media outlets. Some of the low ratings on this issue are related to the fact that distribution networks are not well developed in the rural areas and smaller towns. Though the largest printing house was praised for its good work, panel discussants mentioned that it was still state-owned.

List of panel participants

1. Alexander Ivanov, media lawyer, former member of the National Council for Radio and Television; areas of expertise: broadcast licensing and libel law.
2. Vassil Dimitrov, radio owner/manager, Chairman, Board of Media Development Center (former Soros Media program, currently an independent training center funded by the German government); areas of expertise: radio and NGO management, relations with independent organizations and donors.
3. Konstantin Markov, radio owner/manager, Chairman, Association of Bulgarian Broadcasters, ABBRO, Chairman, SEE Network of Private Broadcasters' Associations, (11 associations from 9 SEE countries); areas of expertise: radio and NGO management.
4. Jassen Boiadjev, journalist, Chairman, Bulgarian Media Coalition and Free Speech Forum; areas of expertise: journalism, freedom of speech issues, and NGO management.
5. Vassil Chobanov, journalist, media law expert; areas of expertise: libel law, copyright law, broadcast law; freelance reporter for Radio Free Europe (media and the court system).
6. Jovo Nikolov, reporter, *Kapital* weekly (one of the most influential papers); Chairman, Investigative Reporters Foundation; areas of expertise: investigative reporting.
7. Georgy Dasklov, political analyst, *24 Hours* daily; areas of expertise: investigative reporting.
8. Luba Rizova, reporter, *BTV* news director; areas of expertise: journalism, TV news production and training.
9. Raina Konstantinova, director, Radio Board of Geneva-based European Broadcast Union; former state radio director; areas of expertise: public radio management, relations with IOs.
10. Stojana Georgieva, *Mediapool* Internet newspaper editor; former Speaker of the Bulgarian government; editor-in-chief of the first Bulgarian Internet newspaper; areas of expertise: reporting, political PR, Internet publications.
11. Vesselin Dimitrov, PhD, Dean, Sofia University, Faculty of Journalism and Mass Communication.
12. Gergana Jouleva, Access to Information Program Director; areas of expertise: NGO management and FOIA issues.

Observers

Diana Arnaudova, Democracy Officer, USAID/Bulgaria
 Petko Georgiev, Resident Advisor, IREX/ProMedia, Bulgaria

Moderator

Rumiana Bachvarova, Sociologist, *MarketTest*, a leading polling group on media market in Bulgaria

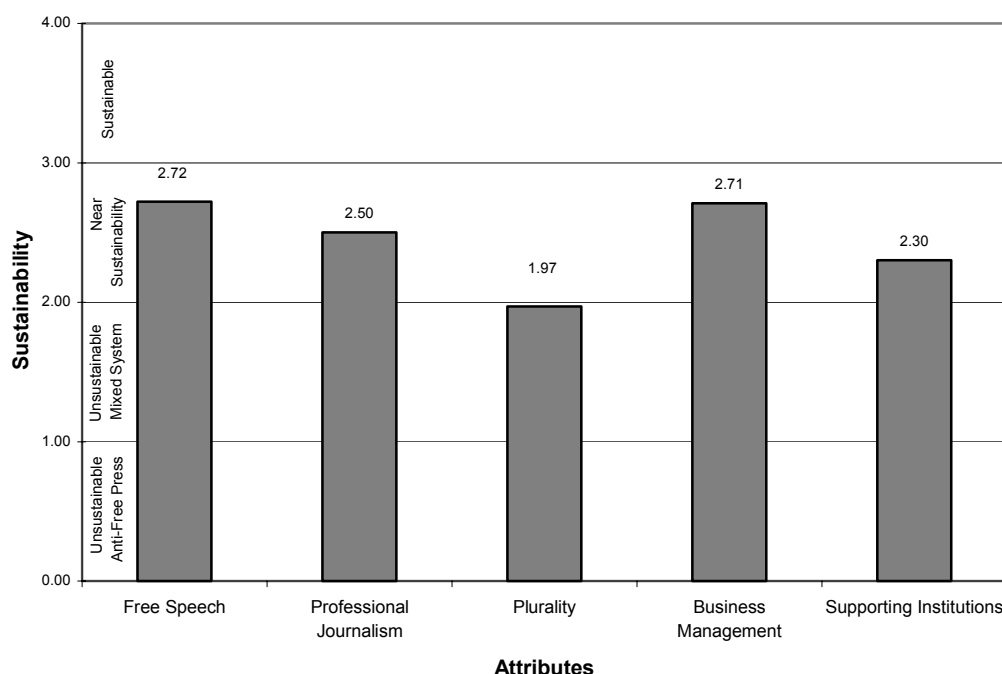
Croatia

Introduction

The parliamentary and presidential elections in January and February 2000 dramatically changed the Croatian political environment and impacted the country's relations with the international community. Within a span of a few months, a country that was a semi-pariah under former president Franjo Tudjman's rule became a respectable international partner in promoting regional stability and implementing basic democratic values. Altering the political environment, as well as the profound change of the government's political course, did not translate into immediate democratization of every important segment of society. Proximity to the West and a general tendency to accept and implement democratic values does not necessarily mean that the country is in fact a democracy. Probably the best manifestation of the discrepancy between proclaimed principles and the situation on the ground is found in the media sector.

After a decade of repression by the late President Tudjman and his associates, most journalists expected that a new, democratic government would make changing the media environment one of its first political priorities. Indeed, as expected, open repression and suppression of media stopped immediately after the elections. But profound change in the legal and business environments has not yet occurred. Also, there are many signals pointing to the government's deliberate or possibly naïve misunderstanding of the media's role in a democracy. Less than two months after the elections, one of the highest government officials said that he was disappointed by the critical attitude of the media, since he expected media to be an "ally of the new government" in promoting its initiatives. He characterized media activity as "dirty work," identifying "only problems and failures but not the achievements" of the new government. This was a visible attempt to reinforce the role of the state in controlling media, by expecting media to act as pro-government propagandists. Compounding this bad start is the lack of government initiative to change the legal and business framework in order to provide for a Western-style environment for independent media.

Media Sustainability Index - Croatia



Scoring System

0 = Country does not meet indicator; government or social forces may be actively opposed to its implementation.

1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.

2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.

3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.

4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

Above 3: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government not fully supportive

0-1: Country meets few of indicators and government/society actively opposing changes

The government has not solved the problem of Tisak, the national newspaper distribution network. In the spring of 2000, the government turned down a healthy offer made by an internationally recognized distribution company to buy Tisak, explaining that the distribution system is of “strategic importance for the national economy” and therefore not for sale to a foreign firm. In the meantime, the government has not done much to solve the current distribution problem. Beginning in April 2001, the government imposed a value-added tax (VAT) on newspaper returns, which is a new and substantial financial burden on publishers. The government still owns and heavily subsidizes one national daily paper, recently adding a second to its portfolio. Its policy toward electronic media, especially TV, is a different matter. The state broadcaster in Croatia is still a main source of information for almost two-thirds of the population, which clearly indicates its importance to the administration, regardless of political orientation.

In early February 2001, after an almost 12-month delay, the parliament adopted the Law on State TV (HTV). Government maneuvering during the process indicated that it did not want to make a profound change in HTV, along the lines of Western public broadcasting. Instead, it modified the concept of a government-controlled broadcaster and subjected HTV to the strict control of parliament. It was not until the intervention of international institutions, only a few days before the actual adoption of the law, that the government changed some of the provisions in the draft. Even with the last minute changes, the new HTV law allows for more political control over state television than a true public service broadcast would tolerate. Recent political decisions (the unique case of granting HTV a VAT-exempt status and pardoning the US \$20 million of accumulated and non-paid VAT) indicate that the government wants firm control over the state broadcaster. Tax exemptions, mandatory subscription fees (“tax on TV sets”), and direct government subsidies have enabled HTV to practice a dumping policy on advertising and therefore to distort the advertising market at the expense of private broadcasters.

The government has shown a lack of initiative to finalize the telecommunications law, crucial for independent broadcasters. In the fall of 2000, a draft telecommunications law was released which would have seriously limited networking and news sharing among independent stations, and in effect would have extinguished networks. After pressure from local broadcasters, supported by some international institutions, the government promised to change this provision. But the telecommunications law remains in draft form, seriously limiting the normal business practice of independent broadcasters and the one non-state television network. Potential foreign and domestic investors are not seriously considering investing money in the one existing commercial network until the new law is finalized.

The government has done little to make the licensing procedure for private broadcasters more transparent. Almost half of the private TV stations and one-third of the radio stations have expired licenses or licenses that are about to expire. Without strict regulations on license renewal, they are operating in legal uncertainty, which directly affects their business results.

Croatia has one authorized institution responsible for setting rates and collecting fees for copyright and music rights. Broadcast media outlets are required to pay fees for the music they use and these fees tend to be extremely expensive. One analysis has shown that a local radio broadcaster in the city of Split (population 250,000) pays almost the same copyright and music fees as a station in Milan, Italy, which provides coverage for approximately 3.5 million. Similarly, the local TV broadcaster in Zagreb pays about 20 times more for music rights than a comparable broadcaster in Trieste, Italy. This obviously is a heavy burden to broadcasters but the government has not yet responded to the numerous initiatives made by broadcasters' associations to change the laws.

It would be unfair to conclude that the new Croatian government continues to put pressure on the independent media. However, it is apparent that the Croatian government does not want to give up the idea and practice of controlling the media.

Attribute #1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice.
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

The tactics of the Tudjman regime were subtle and attacks on the media were indirect: rarely did they make such bold moves against them as seizing newsroom equipment or taxing newsprint. Economic and legal pressure helped the state control the media. The new government has been slow to make changes in the past year and economic pressures continue to weigh heavily on media. Few people can afford a newspaper, yet over half of the average newspaper's revenue is from the cover price.

The legal framework for free speech does exist, but the social norms have not yet changed. In many ways the media is not even aware of the amount of self-censorship they practice. The MSI discussion panel agreed that Croatia is a country in transition, slowly developing its democratic and free market standards. Croatia has laws and regulations on free speech, most of which also existed during the Tudjman period. One of the panelists commented, "I think free speech is protected, there are laws and regulations, but they are only partially enforced."

At the same time, the public's awareness of their rights to free speech and access to public information is low: a panelist noted, "we are a country in transition and we are slowly grasping the idea that the whole society should react to freedom of speech problems." Another panelist expressed fear about the stability of legal regimes in a country undergoing such profound political, economic, and social transitions. Access to public information is provided in the law but improvements could be made. One of the main problems is the lengthy time period needed to receive requested information: by law, a request does not have to be fulfilled for 30 days. However, the panel mentioned that since the 1970s, media outlets have almost always had unrestricted access to international news outlets.

The fairness of media licensing and taxation is improving, but with each step forward there seems to be another step backward. Politicians do not dominate the new Telecommunications Council and they are slowly developing procedures for distributing licenses. Yet the Council relies on the administration for information and support. In many cases these are the same persons who, in the past, strictly enforced the rules with some media outlets and looked the other way when pro-government media broke the rules. The MSI panel agreed that there have been legal improvements to the licensing process, but there is not any evidence that things have changed in practice. The government has been working on the Telecommunications Law since spring 2000, but the first drafts are far from perfect.

MSI panelists agreed that due to Croatia's poor economy, it is difficult for everyone to succeed in business, including media. The panel also discussed differences in establishing print and electronic media outlets, concluding that it is quite complicated to launch an electronic media outlet. The tax framework is the same for all media outlets, but there are exceptions to the rule, such as the recent government decision to pardon the state-owned HTV's VAT debt or the "special" status given to the daily *Vjesnik*, which is also owned by the state.

There is no dispute that HTV receives preferential legal and other kinds of treatment as compared to independent media. When the new parliament was seated, only HTV cameras were allowed on the floor of the Sabor. The biggest advantage the state television still enjoys from its days as a monopoly is its huge staff, with branch offices throughout the country and extensive links between Zagreb and regional centers. HTV does not need to consider expense when dispatching correspondents domestically or internationally, as the government covers its costs. In fairness, the panel stated that occasionally select private media also receive special treatment from the government.

Crimes against journalists in Croatia have been rare. As one panelist mentioned, "there haven't been many reported crimes against journalists. Last year was not so bad for journalists in terms of violence against them." When a photographer from the *Feral Tribune* was beaten up earlier in the year, the perpetrator was arrested. Even before the new government took over, the criminal libel law was ruled unconstitutional. There remain over 1,000 civil lawsuits against journalists or media outlets, some cases are still pending from the late 1980's. Cases are frequently delayed in the inefficient court system and there is a high level of corruption in the practice of the Croatian judiciary. However, the situation has improved in the past 18 months.

International news sources have never been restricted in Croatia and the Cable News Network (CNN), British Broadcasting Corporation (BBC), Duetsche Welle (DW), and Italian news are all available via satellite. Reuters provides news service to anyone who can afford it. Anyone can become a journalist; there are no government-imposed restrictions. Press credentials can be obtained through the Croatian Journalism Association, which checks whether journalists are legitimate before providing them with credentials. There is a journalism program at the University of Zagreb but it falls under the Political Sciences Department and does not include practical training. The university does not have TV equipment, and while they do operate a nonprofit radio station, the station does not produce news. The government does not impose any restrictions or licensing for entry into the journalism profession, although panel members expressed their concern over the lack of professional criteria and standards for journalists.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

While key issues are indeed covered across the media, there is a tendency to cover press conferences rather than the story behind the press conference. Rarely do journalists see the opinions of “people on the street.” Lengthy coverage of protocol events has almost disappeared. Fact checking is spotty, and sometimes it is difficult to tell the reporter’s opinion from that of the news source. There is an increasing use of unnamed “well-informed” sources; scandals sell newspapers and the media tends to run with stories without having the complete picture.

In general, there is concern about professional standards. There are still too many cases of biased or unprofessional writing; journalists use only one news source and do not double-check facts. One panel participant wondered whether the failures in professional reporting are a result of the journalists’ lack of responsibility or the editors’ agendas: “Some [journalists] are totally irresponsible. I also wonder how much of that is the journalist’s fault and how much is really the editors changing the story. So many times I hear people complaining that editors are changing reports.” The HINA news agency and one of the leading radio stations were mentioned as examples of media with good professional journalism. Overall, the quality of reporting continues to improve; major news and events are covered and competition between stations is fierce. Poor economic conditions prevent media outlets from doing much investigative journalism.

There are strong ethical standards for journalists in Croatia, which are embodied in a code of ethics designed and promoted by the Croatian Journalist’s Association (CJA) and enforced through peer pressure. Some media outlets still ignore ethical standards or only pay them lip service; there are no methods for officially sanction journalists violating ethical standards at the present time.

Self-censorship exists in Croatian media but varies from medium to medium. Many regional and local newspapers do not report on topics that are unpopular with the local political elite, and some media outlets carry news exclusively from the state-owned news service to avoid political repercussions. Editors often remove names from a story to avoid confronting powerful officials or attracting yet another lawsuit. The CJA provides a pre-publication review service that allows journalists to check with a lawyer before publishing a story.

In general, journalists’ and other media professionals’ salaries are too low, but this is not the prime motive for corruption of journalists. Many have concerns over their employment status since media employers often avoid registering part-time employees or do not pay taxes and benefits for full-time employees.

Media outlets tend to favor entertainment programs over news in many cases, but overall entertainment programming has not eclipsed news programs. Audiences do have the opportunity to choose their information source. Niche reporting and programming do exist, but the quality is fairly low.

Technical facilities at media outlets tend to be of good quality. State broadcasting (HTV) has adequate equipment for its needs, but it is not state of the art. Private outlets often have better equipment and every newspaper is produced electronically rather than pasted up.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

There are considerable differences in media consumption between large cities and small villages. Multiple news sources are accessible but they are not affordable or easily available to all citizens.

In Croatia there is one large news agency, HINA, which provides news stories via a Web page to radio stations, television, and newspapers. HINA is fully owned by the government and is not independent. Yet the product this agency provides is quite good and the cost of the service is relatively inexpensive (fees are based on the size of the outlet), although some outlets still cannot afford it to purchase it. During the Tudjman era, HINA refused to connect certain independent media outlets, but the outlets would eventually find a way to receive service. Under the new government, HINA held on to some of its past practices but overall the situation has changed. A small private news agency now exists in Split; it relies heavily on donor money and does not seem to focus on providing news to clients.

Panel members found it difficult to rate the country's only large news agency (HINA). As one panelist commented, "HINA is professionally respectable, but at the same time it is owned by the government and is vulnerable. In practice there are no independent news agencies." Because of HINA's unique status as the only major local news agency, it could potentially exert pressure on small local media to pay for their services or risk losing access. There is one small independent news agency, STINA, but most media cannot afford to subscribe to it.

There are approximately 130 radio stations, which may be too many to be supported by the economy. Programming is not very diverse and stations seem to appeal either to young people or to pensioners. There are many weekly and daily national papers from which to choose, and almost every county has a local paper. There are approximately 12 private TV stations and one national private TV concessionaire, which provides mostly entertainment programming and avoids most news and political coverage.

Access to other media is relatively easy through satellite dishes, community antenna TV (CATV), or cable, but it is not affordable to all citizens. Media ownership is not at all transparent and in some cases the government would prefer not to reveal ownership. While this has improved under the new government, no real transparency has been achieved. Parliament is currently in the process of developing a law on transparency to change this situation.

Under Croatian law electronic media are obliged to produce and broadcast their own news programs. However, quality cannot be legislated. In many cases the poor quality of a stations' news program reflects is self-censorship. Stations are wary of conducting investigative journalism when their concessions are up for renewal.

Minorities are represented in the Croatian parliament, and on occasion journalists seek out those representatives' opinions. There are minority-language information sources but journalists do not tend to cover minority issues.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

The overall economic situation hurts media outlets just as it does a variety of other businesses. Many media outlets have to struggle to make profits but media managers are skilled at managing tight cash flows, sometimes at the price of transparency. Media outlets tend to have extraneous staff on the payroll, but there is social pressure not to reduce the number of employees. Donor money supported many media outlets prior to the 2000 elections, but this funding source has decreased significantly. Many marginal newspapers that fill political and cultural niche markets are 100 percent donor supported, and their survival on the market is questionable. While international donors have often made self-sustainability a requirement for assistance, media outlets have made only limited efforts toward this goal. As a result, media outlets with small and/or unsuccessful advertising sales departments might have problems surviving. Meanwhile, media outlets with high advertising revenues tend to focus only on advertising and have not tried to diversify their income source.

There are large, well-established international advertising agencies in Croatia. HTV, whose three channels and radio and television signals cover virtually all of Croatia, dominates the market. HTV has been dumping advertising, lowering rates to half of what they were two years ago.

Newspapers make between two-thirds to four-fifths of their revenue from cover sales; the rest comes from advertising. Circulation is very important to newspapers and competition to sell more papers motivates coverage of scandals and alleged conspiracies. Circulation revenue tends to be more important to European newspapers than to American papers, in which context the Croatian situation is not overly alarming. However, receiving more than 50 percent of total revenue from circulation is higher than the European norm. Selling newspapers on the streets rather than through normal channels of distribution brings cash sales, which media outlets can easily hide from authorities and use to provide tax-free cash payments to employees or vendors. This method of distribution skews circulation figures.

Croatia does not have adequate institutions to quantify broadcast ratings and newspaper circulation figures. As a panelist said, “there is not much use of market research. We use research and change some programming but to better suit the listeners, not for our market assessment.” Institutions that exist to make market measurements are still struggling with methodology and are not able to meet the needs and standards for market research.

Research companies do exist, but panelists believe their methodologies and standards are inadequate. Advertising agencies use market research, but only a few media outlets use market research as a tool to formulate their strategic plans, increase advertising revenues, and improve news products. Media has little faith in ratings research; outlets do not know how to use such studies and there is little evidence that they change programming or content on the basis of research. A new computer-assisted research center recently opened in Zagreb.

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

Croatia has one association for journalists, the Croatian Journalists Association, which was established in the 1920s and represents all journalists regardless of type of media or employer. It has a well-established Court of Honor used for self-regulation. CJA has developed and maintained a good reputation due to its contributions toward providing legal support for journalists and protecting the standards of the profession. The CJA owns and partially operates the International Center for the Education of Journalists in Opatija. This facility is used several times a year for various training programs. In the last year the largest publishing house paid the CJA to conduct journalism workshops. The CJA has also supported publishers in their efforts to establish their own professional association.

There are two radio associations, one large and one small. The larger association had close ties to the Tudjman regime and was indirectly responsible for political pressure placed on independent radio stations. Members of this association enjoy lower concession fees and lower music rights fees. The smaller association has lobbied for its interests and now operates a news network. There is one television association, which has been quite successful in lobbying for better laws and lower fees for music rights.

In Croatia there are no watchdog organizations or NGO's working on free speech issues. The Helsinki Committee is busy with returnee, refugee, and war crimes issues. The Organization for Security and Cooperation in Europe (OSCE) carries out only limited monitoring as part of their human rights portfolio. Therefore, the CJA has taken it upon itself to monitor pending legislation, track lawsuits against journalists, and advocate for the media.

Panel participants rated journalism education in Croatia very low, specifically the Croatian School of Journalism. Most journalism programs lack quality courses and do not include practical training components. A panellist explained: "Training is of very low quality with very little practical experience; they do not even have cameras in the School of Journalism." Only two professors at the school include practical sessions in their classes and a lack of funding makes it difficult to support student internships at working media outlets.

Journalists in Croatia complain most often about the lack of adequate domestic training and they stress the need for journalists to be trained abroad. But even those trained abroad have problems in applying new skills and knowledge in the newsroom due to their editors' old-fashioned practices. It is also difficult to motivate mid-career journalists or editors to attend journalism workshops. In addition to journalism training, management training is also needed.

Newsprint is not controlled and printing houses are open, even those which are in government hands. Concession holders can privately own transmitters, but only once a concession is granted. The state-owned HTV controls the best transmitter locations and is selective about who they allow to use their sites. The government plans to spin off the transmitter department from the rest of HTV and therefore this situation may change. Printing facilities are mostly privately owned and there are no restrictions, limitations, or control over their work. One company, Tisak, owns most newspaper kiosks. Tisak is owned by the government and has a substantial debt to independent newspapers. Tisak does not restrict the newspapers sold in its kiosks.

List of panel participants

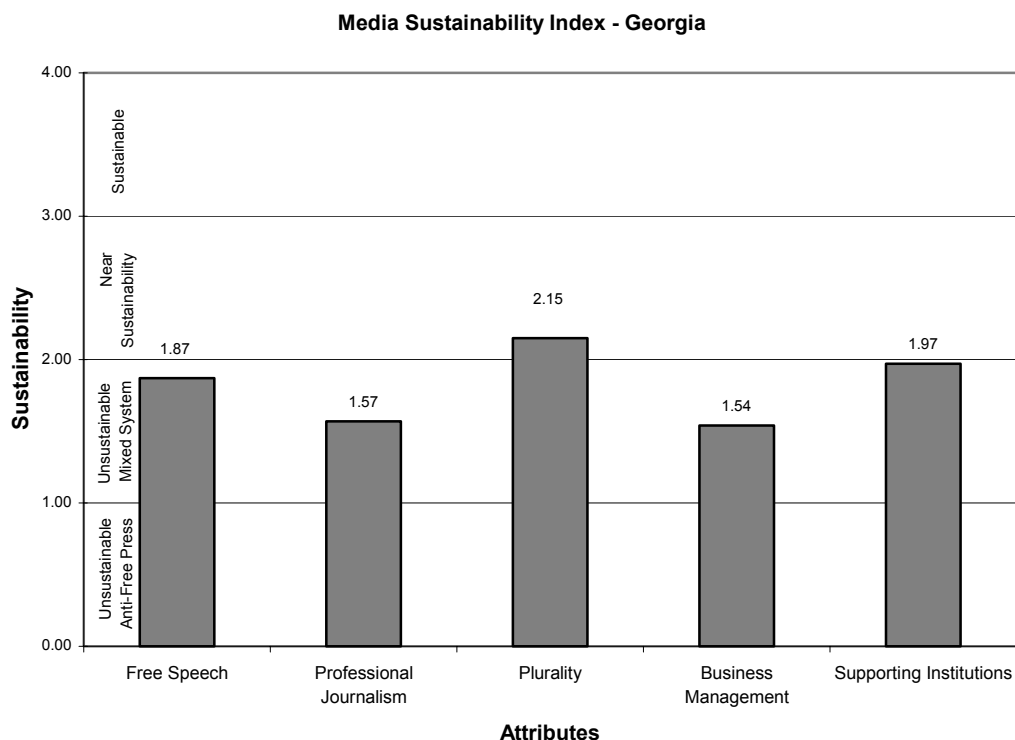
1. Tom Rogers, USAID Zagreb.
2. Alessandro Fracassetti, Spokesperson for the Organization of Security and Cooperation in Europe (OSCE). He is the author of various OSCE media reports.
3. Anja Picelj, US Embassy Zagreb, media analyst for the Public Affairs Department for the past 10 years, familiar with all Croatian Media outlets.
4. Albert Kapović, Program Director of the Croatian Journalism Association, the only association representing journalists in Croatia.
5. Kristina Kalafatić, TV journalist from *Vjesti Danas*, the evening news program of the independent Croatian Commercial Network.
6. Silvestar Vrbanc, employee and owner of Radio 101, former General Manager.

Georgia

Introduction

Freedom of media is one of the most progressive aspects of Georgia's democratic transition. Compared to other Commonwealth of Independent States (CIS) countries, Georgian media are relatively diverse and even professional. The biggest difficulties media face are rooted in the country's poor economy and rampant corruption. As one of the poorest nations in the former Soviet Union, Georgia grapples with basic necessities for its citizens: the luxury of developing media is not always the highest-ranking priority. Even the cost of newsprint is prohibitive and only adds to the difficulties print outlets experience in selling profitable papers, as many people cannot afford to buy dailies and instead watch TV. The heavy hand of corruption has not spared Georgia either and its influences are felt throughout all aspects of Georgian life.

Despite these problems, Georgia has attempted to develop a free and democratic press. Since adapting its post-communist constitution in 1995, the country has allowed for the protection and growth of independent media. However, there have been some notable and worrisome challenges to free media, whether through licensing restrictions, vague regulatory codes, or "creative taxation." Recent attempts by the government to restrain media freedom include a conflict between the *Rezonansi* newspaper and a minister of internal affairs: the newspaper published documentation about the illegal purchase of the Georgian soccer team DINAMO by the minister. President Shevardnadze literally condemned media for "publishing material ... that they don't have proof for."



Scoring System

- 0** = Country does not meet indicator; government or social forces may be actively opposed to its implementation.
1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.
2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.
3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.
4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

- Above 3: Sustainable and free independent media
 2-3: Independent media approaching sustainability
 1-2: Significant progress remains to be made; society or government not fully supportive
 0-1: Country meets few of indicators and government/society actively opposing changes

As an extremely important aside, since the time the Georgia MSI was conducted, George Sanaia, the leading journalist of the independent television station RUSTAVI-2 was murdered. Sanaia was found by police in his home on July 26, 2001, with a shot to the back of his head. For the last three years George Sanaia was the anchor of a late night news program “Night Courier.” Initial investigations connect his murder with his journalistic activity. Journalists and the citizens of Georgia protested against the brutal murder of George Sanaia by demonstrating in the streets. All the polls and surveys suggest that people believe he was killed because of his political reporting and that the investigation will not be fairly conducted, and the murderer will never be found.

The government and media have conducted their own separate investigations: however, nothing is known yet and the investigation is ongoing. One suspect has been arrested, but there is no proof linking him to the crime. Sanaia’s murder has infuriated many Georgian citizens; even those who despise independent TV station RUSTAVI-2. His murder has been called “a terrible disrespect towards the whole nation.”

Attribute #1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

The 1995 Constitution of the Republic of Georgia provides for a free press. Under Article 24, “every individual has the right to receive freely and disseminate information, and express his opinion orally, in written or any other form.” Censorship is prohibited by the Georgian Law on the Press and Other Means of Mass Media (Article1), as is the establishment of media monopolies: no individual or private company

can own more than 25 percent in shares of a number of similar media companies. The 1991 Law on Media guarantees press freedom and regulates media activities. It was amended in 1997 by the Georgian parliament in an attempt to bring it in conformity with the 1995 constitution. However, the law was not accepted by media organizations, because, in their opinion, it limited press freedom. The 1991 version of the Law on Media is currently the only law enforced.

In line with its obligations as a member of the Council of Europe and in an attempt to harmonize its legislation with Article 10 of the European Convention on Human Rights (guaranteeing the right to freedom of expression and opinion), the Georgian parliament is currently considering a draft Law on Freedom of Speech. The draft was prepared by the Liberty Institute, a Georgian NGO. The draft passed its first parliamentary reading and is scheduled for a second reading. In addition to providing protection of the right to freedom of speech (Article 2) and freedom of information (Article 3), the draft includes four provisions on defamation that are particularly positive: in both Article 9 (Defamation of an Individual) and Article 10 (Defamation of a Public Figure), the burden of proof lies with the plaintiff.

Despite the codified constitutional guarantees, there are many obstacles to enforcing the existing laws. Notably, journalists are not always aware of their rights. As one of the panel members said: “Laws cannot be enforced without journalists’ active cooperation, and on the other hand, how can they cooperate without being informed of the laws?” Further complicating matters about media reform is that other laws often contradict freedom of information provisions. One of the panel members cited an instance when he tried to obtain information from a bank and received a negative response, because, as the bank officials declared, a law about bank activities in Georgia guaranteed the confidentiality of information related to banking operations. The Law on Media does not clearly define what a state secret is, which allows the government to arbitrarily deal with each information request, and leaving uncertainty about how to interpret laws.

Soviet-era historical legacies and the geographic realities of Georgia affect the media in several, often conflicting ways. The language of media in Georgia is Georgian, and in the Abkhazia region, Georgian and Abkhazian are used (the Abkhazia territory is in western Georgia). In Georgia there are no obstacles to disseminating information in any language. Ethnic minorities have a right to access information in their native languages.

As Russian was the mandatory language for most of the citizens of the former Soviet Union, most of the non-Georgian population support Russian-language media. Some minority publications are of special interest for minority groups: the Russian language newspaper *Kavkazski Aqcent* is specifically designed to cover Caucasus regional issues, and the private TV station RUSTAVI-2 broadcasts the weekly news program “Perekriostok,” which is a joint Armenian-Azerbaijan-Georgian production and covers news from the south of the Caucasus. These programs compete in quality with similar Georgian language media programs. Georgian State Television has English news program segments once a week, which are supposed to cover all major internal events, but the MSI panelists agreed that program quality is very low and does not offer viewers a broad spectrum of news or information. Two major newspapers publish in English: the *Georgian Times* and *Georgia Today*. *Rezonansi* issues a weekly paper in English, but as the panelists have observed, its quality is low and its lack of profitability makes the publishing house reluctant to expand the edition in size or frequency.

As far as licensing issues are concerned, Article 7 of the Law on Media requires that all media outlets register and obtain an operating license from the state. Print media obtain licenses from courts and then register as limited liability companies. As the panelists mentioned, there were almost no cases of refusal to register print media. A few years ago, the Ministry of Communications started licensing private broadcasters after establishing license regulations: now the Communications Regulatory Committee is responsible for granting broadcast licenses, and the president directly appoints the chairman of the committee. The Law on Press and Other Means of Mass Media, however, still states that the Ministry of Justice should register Georgian print media outlets, and that broadcasters should obtain licenses from the

Ministry of Communications. Many independent media companies still consider license-granting procedures unfair and monopolized by state media. State media companies are much favored by the ministries and independent media face various obstacles to obtaining licenses: they have to pay bribes, their program guidelines are declared contradictory to laws, or they are warned of the limited number of frequencies. Panelists admitted that for most broadcast companies it is almost impossible to obtain licenses without bribery and/or protectionism. According to Internews in Georgia, the development of media has been hampered by unimplemented licensing regulations: no new licenses have been issued for over a year and a half. All proposals for obtaining licenses, both state and private, have been delayed.

The lack of “acceptable” content sometimes leads to licensing disputes with the Georgian government. There are a number of where government has used its power to revoke licenses and close independent media outlets whose domestic coverage is considered too negative (for example, unfavorable coverage of government activities, cases of corruption, criminal actions). The most popular private TV station, RUSTAVI-2, achieved a notable legal victory in the battle for its license, which was illegally revoked by the Ministry of Communications in 1996. The reason, as the Ministry explained, was that RUSTAVI-2 was registered as a limited liability company without clearly specifying that broadcasting will be one of its activities. The frequency was awarded to a different broadcasting company. The battle ended up at the Supreme Court in 1997. RUSTAVI-2 regained its license and restored its independence. This case had a great public resonance: many people and even some state officials supported RUSTAVI-2.

Instances where media law may stand in the way of free expression and media are not uncommon. One element of media law that could be used against independent reporting is Article 10 of the Law on Press and other means of Mass Media, under which the state may deny registration to a media outlet whose goals are considered in contradiction of Georgian law. Article 10 is very broad and open to legal maneuvering: it states that “Registration of a media outlet may be refused in case its programs and goals are considered to contradict the law.” According to the law, the government may suspend an outlet’s activity—both print and broadcasting—for a year without legal proceedings if the disseminated information is, for example, considered to be directed at changing or replacing the existing government. The same bodies that register media outlets screen the content of reporting: courts for print media, and the Communications Regulatory Committee for broadcasters.

Media companies are registered and taxed like private businesses. Though printing is not taxed, most panelists admitted that taxes are so high that some print media owners hide real circulation numbers to pay less in taxes. One panelist mentioned that although he considers his newspaper a business activity, he realizes that it can never be profitable enough to guarantee a secure income for him and his family. He admitted, “No serious newspaper with a large circulation could survive without withholding tax payments.” The panelist also said he would think twice before expanding his (small) newspaper’s size and, consequently its price, because that would result in fewer sales and more taxes. Taxes may sometimes serve as a tool to silence troublesome media: tax inspectors discover minor tax violations, which is used to suspend the paper’s license temporarily. This is what happened to the daily *Rezonansi* during the 1995 election campaign. As one panel member said, “If tax inspectors are seen in the paper’s offices, that means that an investigative report on a state official or the ruling party is prepared.”

Crimes against media workers are committed in the form of physical harassment and threats. On July 24, 2000 a reporter from *Eko Digest* was beaten by two police officers after he published an article on allegedly corrupt high-ranking law enforcement officials, including the Interior Affairs Minister. The attackers slashed the fingers of the reporter’s right hand, so that he would not be able to write for some time. After an official investigation was launched, the reporter received an anonymous death threat. In May 2000 an investigative journalist, Akaki Gogichaishvili, claimed to have been repeatedly threatened by local officials and businessmen for exposing the rampant corruption that plagues Georgian government and economy. His well-investigated report included facts and arguments that shocked the public with its convincing tone. His investigative news program (“60 Minutes”) launched a critical investigation into the

deals of the friends and family of the president. According to the journalist, the Deputy General Prosecutor personally threatened him. Six hundred people held a demonstration to support the reporter and demanding that the president guarantee his safety. The president ordered the Interior and Security Ministries to take all the necessary measures to protect the journalist and his family.

The public has expressed support for individual reporters who have been harassed or threatened, but there are also cases in which people do not show much interest. Both politics and journalism in Georgia are highly personal: often it is not the legal violation that causes a public outcry, but the fact that a crime was committed against a person they know.

Defamation is a criminal offense under the Georgian Criminal Code. The 1991 press law forbids revealing state secrets; calling for an overthrow or a change of government or threatening public order; advocating war; promoting brutality and racial, ethnic, or religious intolerance; disseminating information that fosters crime; invading citizens' privacy; and insulting someone's honor or dignity. In 1998, 1999, and 2000, there were several cases of journalists being sued by government officials on these charges; no imprisonment decisions have been made so far.

Most media professionals have very low salaries (about US\$20-100 per month in Tbilisi, and much less in the regions), and the management of media as a business is very poor. However, media employees still make twice as much as average public worker, whose salary is about US\$10-50 per month, or a bit higher in private businesses and NGOs. Subscriptions and sales cannot guarantee financial sustainability. Distribution firms are now in private hands, but out in the regions most people cannot afford print media on a regular basis. Distributors usually favor state print media, which circulate in a larger number of regions.

The advertising market is small and there are no professional managers, administrators, or market directors working in the media sector. Media is seldom seen as a business. It is more of a tool to influence public opinion, which is why political parties own most independent media. Oftentimes, favorable reports are ordered and journalists are paid directly by interested parties and individuals. Political parties and officials openly control media organizations through their ownership of media companies and by appointing editorial staff and journalists according to their political interests.

Although some independent TV stations try to cover the whole country, mostly by retransmitting their programs through regional TV stations, the State Television and Radio Company is the only nationwide broadcasting company. Other independent media organizations in the regions find it very hard to enter this state-monopolized market.

As one panel member noted: "there's a big gap between Tbilisi and the regional TV/radio stations. Those in the regions have poor technical equipment and professional levels, and almost all of them are owned and censored by some local politician." In Tbilisi the situation is better, but even there most independent stations are financially unstable; even if they manage to get a license and start operating, they can soon find themselves bankrupt and forced to reduce their broadcast time and quality or close down altogether.

Usually, journalistic investigations dealing with the illegal deeds of public officials are met with indifference by the government. Investigative journalists are usually harassed or threatened by those they investigate or write about. Sometimes, NGOs lobby for official investigations on some important cases. In May 2000, the New York-based Committee to Protect Journalists (CPJ) appealed to President Shevardnadze to launch an investigation into the attempts to intimidate RUSTAVI-2 journalist Akaki Gogichaishvili. Although the president's press secretary, Kakha Imnadze, responded to the appeal, Imnadze was subsequently unavailable to meet a CPJ representative.

Panel members complained that most of information supposed to be accessible to journalists is not. Generally, inexperienced journalists, who do not know their rights, give up and write their stories without

obtaining the needed information. Panelists agreed, “Every single day they [journalists] have to fight for ‘so-called’ public information—make phone calls, write many official letters requesting the needed material.” Information access is always denied journalists when, for example, they investigate a botched police investigation. In general, investigative journalists have a hard time obtaining information from law enforcement bodies like the police, the prosecutor’s office, or the Ministry of Internal Affairs. There are many cases of journalists being forced to leave their offices, whereupon their equipment is damaged or confiscated. Such cases are usually reported, but the police cannot guarantee a fair investigation. As many journalists say, such incidents are usually dealt with privately without the involvement of legal bodies.

Access to international news is not hampered by the state. Georgian outlets are allowed to reprint or rebroadcast foreign media programming. There are no restrictions on the part of the state on Internet use. The only challenge is financial: most newspapers, TV, and radio companies cannot afford subscriptions to pricey foreign information sources, unlimited access to the Internet, or cable networks for their employees.

Entry into the journalism profession is not restricted or limited by the state. However, all names of journalism faculty graduates in Tbilisi are on record with the Ministry of State Security; every year, the Ministry updates its databases. Several times the government has attempted to impose blanket restrictions on journalist activities. For example, in 2000, President Shevardnadze officially declared that Georgian media were too frivolous and “no government in the world had to deal with such media, except Georgian.” This was understood as the beginning of media repressions in the country, but so far no serious legal restrictions or limitations have survived the active protest of the independent media, the NGO sector, and the public itself.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

Political pressure and censorship are two of the most serious barriers to the development of free and independent media in Georgia. These barriers exist at many levels: from station managers that self-censor programs to keep national and local authorities happy, to news editors that reshape the order and content of news programs to fit the outlet’s policy, usually defined by the government in power.

There are about 600 independent newspapers in the country. Most of them show great eagerness for pursuing “shocking true stories” about state officials. Unfortunately, the information their audiences receive is rather inaccurate, incomplete, or exaggerated. However, there are some technically well-equipped publications and broadcast companies that copy the style, design, and programming of Western media—which does not guarantee serious, independent, fact-based reporting. There are also quite a few print outlets and broadcasters with small budgets and bad print or broadcast quality, which precludes them, perhaps unfairly, from having a presence in media.

The years of controlled media and non-democratic development in the former Soviet republics have resulted in today’s difficulties in developing true professionalism in the Georgian media. The public chronically distrusts the information disseminated by media: as panelists put it, “The news in the paper, TV or radio are taken from the news agencies and not even edited by editors. Specialized and in-depth

reporting is very rare in Georgian media.” The stories reported often prove to be false, or if true, they rarely lead to any social action. The need to produce sensational material, which makes people buy media products or watch a particular channel, exacerbates the lack of good professional reporting.

During the discussion some panelists stated that: “In Georgian media, opinion writing overwhelms fact-based writing. There is too much about private conflicts in the press and not enough fact information.” Another panelist explained that the lack of professional media is caused by the difficulties of obtaining useful information. Facts are not easily gathered, because the state is not willing to collaborate. Most journalists complain about barriers created to obstruct investigative research on the dealings of the Ministry of Internal Affairs and the police, who often hide information on harassment in prisons, such as beatings, fake suicides, etc. Tensions between police and journalists often lead to fights, threats, and harassment on the part of police. A panel member warned: “In Georgian media some journalists work simultaneously for both state and independent media.”

Inexperienced journalists, without the perception, maturity, or ability to understand complex issues, were targeted as a major reason for the poor quality of journalistic output. Panelists said, “The language in the press is of very low quality. Journalists are often uneducated and sometimes not very intelligent. The language abounds in slang, foreign words, unusual sentence structures.” Another panelist mentioned: “I think we have to remember the age of people working as journalists—most of them are under 30, some even under 20. Yes, they are free from the Communist propaganda style, but how can a 20-year-old kid report about crucial political events of a complex character?”

The issues of ethics and professional standards are frequently talked about in Georgian society. Most people regard Georgian media as unethical and do not trust them to professionally gather, check, and disseminate facts. Some panelists proposed creating special ethical and professional norms for journalists; others believed that by improving the financial situation (higher salaries, better equipment, etc.) professional standards would also rise. “There is an attempt to establish ethical norms to guarantee the trustworthiness of information,” said one panelist. “For example, *Dilis Gazeti* set up its own norms and required its reporters to follow them. I think that each media has some kind of written or unwritten rules they adhere to.”

While the Law on Mass Media officially prohibits censorship, political pressure is strong and editors and journalists censor their materials, reported panelists: “Self-censorship is one of the biggest problems, especially in the regions. In small communities it is considered unethical to write critically about your neighbor’s relative, even (and more so) if he is a public official.” Because advertising and circulation revenues are low, newspapers and broadcast companies have to rely on other financial sources, which are mostly political parties or members of the government. Journalists frequently exercise self-censorship on critical reporting of certain topics, including in particular politically sensitive matters and issues that are perceived to enjoy widespread popular support. For example, it is relatively difficult to publish articles critical of the Georgian role in ethnic conflicts in Abkhazia or South Ossetia. The level of editorial independence of the media is considerably lower outside Tbilisi than in the capital. In particular, the more repressive local regimes of Abkhazia, South Ossetia, and Ajaria impose greater restrictions on media freedoms.

Unskilled journalists often become victims of political intrigues and/or mouthpieces of powerful groups and individuals. Said one panelist: “I think that reporters are mostly victims of conflicts between political powers, and they disseminate information which is dictated to them by the powerful of the day. Journalists are owned by politicians: opinions in the press are those of politicians, not of journalists.” Panelists said that journalists rely too much on the information provided by sources, and when they sign their names on their reports, there is no mention of the source.

As the higher education institutions cannot guarantee quality professional training, young journalists are not ready to deal with fact gathering, fact checking, or other research. As a panelist noted, “There’s a big

gap between professional journalism and training at Tbilisi State University. I mean that journalists just aren't taught to search for facts and spend more time and energy on researching and analyzing." During the discussion, panelists often claimed that the financial instability of the profession is an obstacle for independent and professional reporting. "Journalists are underpaid, most of them work in several places simultaneously, are often on tight deadlines, and have no time and desire for extensive research. Intentionally or unintentionally, they fall into the 'subjectivity trap'; that is, facts and opinions are never separated. Even news contains a sentence or two of commentary, often reflecting a political or commercial agenda."

Average salaries for newspaper journalists are 50-100 lari per month (US\$25-50), and for broadcast journalists about US\$50 -150. "One of the worst consequences of low salaries," said a panelist, "is the priority of quantity over quality. More words mean more money, no matter how unprofessional and unchecked the information is." Only a few companies manage to guarantee an income that discourages corruption. Quite a few journalists are willing to accept money in exchange for favorable articles about commercial enterprises or politicians.

The degree of entertainment coverage by print and broadcast media varies. As news reporting for TV and radio is more expensive than for print media, entertainment accounts for a greater share of broadcast time. Usually, independent TV stations broadcast news programs five to seven times per day, and music and movies fill in the rest of the time. In print media most space is dedicated to news, although entertainment topics (mostly translated from foreign magazines) are widely available.

Almost none of the media companies use professional public opinion research on a regular basis. Thus the decision on which events should receive most attention is determined by the interests of individual journalists, and do not necessarily reflect the interests of audiences.

Most newspapers and broadcast companies face technical limitations. This lack of facilities greatly affects the quality of their work. Very few companies can afford Internet access or good printing and broadcasting equipment; they cannot subscribe to local or international news agencies. These limitations lead to the lack of specialized programs, investigative reporting, and in-depth analysis on specific issues. The few specialized programs are either funded by the government or by international organizations. Sometimes, when media needs additional financial support, they accept some subtle forms of bribery, perhaps in the form of advertising contracts or political advertising.

Panelists mentioned several ways to improve the quality of professional media: 1) providing access to better professional education, both in terms of higher education institutions and short-term, on-site training for regional journalists; 2) providing up-to-date equipment for newspapers, printing houses, and TV/radio stations, as well as instruction on using equipment; and 3) raising the professional criteria for hiring journalists in key positions.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

According to Internews Tbilisi, 37 independent TV stations operate outside of the capital, although many of them broadcast irregularly. There are 17 independent radio stations in the country, approximately half

of them located in the capital. Radio Fortuna and its Russian twin Radio Era broadcast throughout almost the entire country. State media are seen as the voice of government, but do cover other points of view to some extent. Panelists tried to define the meaning of “public” media, and explain differences between public and state-owned media. They viewed state media as very subjective divorced from public interests. As one panelist said: “State media do not cover all the political spectrum—it is very selective and subjective. There is no public media in Georgia, I mean, objective media for public.”

In the last year, competition between state media, RUSTAVI-2, and other independent channels pushed state television in the direction of greater openness and diversity. While general allegations that newspapers are secretly linked to powerful individuals or political parties abound, there is no credible evidence that major newspapers have such ties. A number of newspapers emerged under the patronage of powerful groups, but these publications have not been successful in the long term. Many independent media outlets express an indiscriminately cynical attitude toward all political groups.

During the discussion all panelists mentioned that there is a great difference in the quality and quantity of news between Tbilisi and the regions. Regional press and broadcast media have more problems both technically and professionally. Most of the training and professional development courses are unavailable to journalists from the regions; their equipment is outdated; and censorship exercised by local government is strong. Panelists said, “region by region the situation is different. Internet is inaccessible in most parts of the country. Computers are very rare in media companies in the regions. Newspapers don’t have their own equipment.” Panelists also mentioned that Radio Liberty’s broadcasting to the regions is one positive development to deal with information isolation: “Radio stations from the region try to communicate with Radio Liberty. Radio Liberty now covers almost all the regions, even Abkhazia.”

Average prices for newspapers range from 10 to 50 tetri (5-25 cents US\$), which is expensive for the urban population, and an almost unaffordable luxury for rural areas. The collapse of the old distribution system creates obstacles for print media, while the lack of retransmission and relay lines is a problem for independent broadcasters. State television controls both television channels with national coverage, as well as the only nation-wide radio network. RUSTAVI-2, which began operation in the small town of Rustavi, has become Georgia’s major independent TV station. After it started broadcasting in Tbilisi in 1996, RUSTAVI-2 is now expanding to other parts of the country. The station’s success has cleared the way for other privately owned TV channels, eight of which broadcast in Tbilisi.

In 1995 the newspapers *Alia*, *Rezonansi*, *Akhali Taoba*, and *7 Dge* founded the Association of Free Press, which established a network of newsstands to bypass the distribution bottleneck. According to recent polls by the Georgian research company GORBI, only 1 percent of the Georgian population has access to the Internet and the majority of these people live in Tbilisi. Obtaining information from the Internet is very expensive: Internet connection costs 35-80 cents US\$ per hour. According to GORBI surveys, 92 percent of those interviewed indicated they had never used a computer. The four major reasons for not using computers were: non-availability of computers (35 percent), lack of interest (17 percent), no knowledge about using the Internet (14 percent), and too expensive (13 percent).

International television, radio, and newspapers are readily available and the government does not restrict access to them, but most of people cannot afford to buy or subscribe to them. Accessibility varies by region. Foreign newspapers are not available for sale, but some cable networks offer several foreign television channels. Cable television subscription prices range from 7 to 24 lari (US\$3.50-12) and it is considered a luxury for most of the population, both rural and urban.

Most of the news in both print and broadcast media derive from news agency information. Most of the newspapers subscribe to one or more news agencies, although it is considered to be relatively expensive (about US\$100 per month). Most television and radio stations produce primarily news and talk shows; almost all other programming consists of films and soap operas, frequently pirated (on television), and music (on the radio). The two largest TV channels in Tbilisi—Channel 1 (state television) and

RUSTAVI-2— broadcast news five times a day. They both have nighttime talk shows, which discuss major topics of the day.

Media ownership is not transparent. There are common assumptions about ownership, but they are difficult to confirm. It is more likely that ownership interests lie with major political factions, but these also are often the major business entities as well. Media ownership remains one of the most problematic issues of private media companies. Many people avoid associating their names with a specific newspaper or a broadcasting company because of the fear that the public would judge that outlet as biased in their favor. The situation with regional media is different, noted panelists: “In the regions no one hides that they own a TV or radio channel. The community is so small that everyone knows everything, and besides, it’s prestigious to own a media company. In Tbilisi, it’s different: individuals prefer their names not to be associated with a specific media company, and vice versa—media try to sustain their ‘objectivity’ by hiding their real owner.”

There are some minority news media, but not much effort is made to inform the nation on the conditions of minorities. Journalists reporting on religious minorities have been harassed, beaten, and locked out of their offices. The majority shows little interest in protecting minorities or seeking justice against their attackers. Most of the minorities living in Georgia speak Russian and have access to Russian-language press, TV, and radio. A panelist noted: “I know that there is an Abkhazian language radio, some Azeri and Armenian newspapers, but most of the minorities use Russian language media.” Other panelists mentioned that the lack of profits from minority media is an obstacle to their development: “In financial terms, it’s not profitable to broadcast in minority languages: less audience, less advertisement, less money.”

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

All the panelists agreed that media are rarely profitable businesses in Georgia. Private printing houses, newspapers, and distribution firms are having a hard time coping with the ups and downs of the unstable economical situation in the country—“Newspapers and publishing houses are not profitable—production prices are much higher than desirable. People have a very hard time finding consumers for their products and services at current prices.” Another problem for media is a dated anti-business mentality: “Many representatives of print media regard profit-making as a negative side of media. Some of them are proud ‘to serve the public free of charge,’ meaning without salaries or any other kind of profit/revenue.”

Georgia’s poor economic development has a negative impact on the media market. Press revenues come from advertising and sales, but most newspapers cannot even cover staff salaries. Advertising has no tradition in Georgia and is seen as a luxury, rather than a way to generate profits. However, the advertising business is getting popular in the capital, and there are some successful examples of advertising companies. RUSTAVI-2 is actively using ads. Panelists gave the following numbers: “Approximately two-thirds of the advertising market in Tbilisi is monopolized by RUSTAVI-2, with the remaining one-third by the State Channel 1, which leaves very little space for regional TV and print

media. In most successful newspapers, the profit ratio is 70 percent from cover sales vs. 30 percent from advertising.” Newspaper ads are relatively cheap even in the largest circulation papers, and therefore cannot cover all the costs for printing, distribution, etc.

A large number of newspapers are owned by small enterprises and the outlets advertise their products for free. Both print and broadcast media in Georgia lack professionals skilled in attracting advertising. Revenues from advertising are mostly collected in the capital, said panelists: “All the advertising revenue stays in Tbilisi. Ad agencies collaborate mostly with Tbilisi media. In the regions this business is still very fragile.” In only three or four major cities are there a number of stations competing for ads. In most cities there is only one station, to which all local advertising revenues that are available for TV go. Even given the “favorable” conditions in one-station cities, commercial managers are not accessing revenues as effectively as they could. When asked questions about advertising percentages and target audience, stations are unable to give answers, indicating that they have a largely undeveloped and unsophisticated understanding of the business of TV.

Independent media do not receive government subsidies. Several state-owned newspapers—*Sakartvelos Respublika*, and *Literaturuli Sakartvelo*—and the national TV and radio corporations receive funding from the state budget. Government appoints their management. In some cases, said a panelist, “there are the indirect subsidies from the government—information barter, informal subsidies, accreditations, etc.” Sometimes, “government organizations help particular media companies to receive grants for promoting some projects—economic or judicial reforms for example. I know that *Eko Digest* received financial support from the government for promoting some economic projects.”

Healthy competition between media companies exists in very rare cases: mostly there is no objective information about ratings of particular media outlets. Market research is also costly and is seen as an unnecessary expense, rather than a source of important information. “Market research is very expensive and not very professional,” noted panelists, “which contributes to the lack of trust towards such companies.” Panelists also mentioned “It is often the case that public opinion organizations invent or change information to please the client. Many media companies tend to use this information for self-promotion rather than for defining further strategies.”

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists’ rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

All panelists agreed that journalists’ organizations in Georgia are too few and inefficient. This topic was not debated much, as there was a consensus among panelists. There are several new journalistic associations (Free Journalists Club, Liberty Institute, Caucasian Institute for Peace, Democracy and Development, Studio Re, Internews Georgia, and others), but unfortunately, they cannot establish a bonding network between journalists. One of the organizations, Free Journalists Club, is more or less actively trying to create one. There is also the Journalist Federation, but its goals and objectives are so outdated that no one can collaborate with it.

Panelists noted that there are some NGOs working with media issues, but their primary goals are still theoretical research and not practical help and assistance to specific journalists and media companies. “There are several new organizations. Some are free press NGOs that want to transform into membership-based professional associations, but most of the NGOs that work in the media field are more involved in legislative lobbying than in everyday media activities. No association can be created by a single NGO

without the help and the wish to cooperate with media representatives.” Involvement in issues concerning media, such as research on media topics, report writing, and media-law drafting, are very popular with non-governmental organizations; this guarantees positive feedback both from media and donors. Panelists said: “Most of the NGOs in the media field try to defend journalists’ rights because that may make NGOs very popular. No one is really interested in creating a strong institute, which would defend journalists’ rights and assist them in their activities.”

There are third-sector-supporting institutions that offer short-term training for journalists, but most of the panelists claimed that these offerings are insufficient. “Some NGOs offer training courses (Internews), civic education, and administration courses, and though the quality may be good, they are not enough.”

The most important role of NGOs is bringing attacks against journalists to the public and government’s attention. “In partnership with media outlets,” said panelists, “NGOs efficiently and quickly bring cases to public attention. Still, there is a little camaraderie among journalists to join forces and align around victims of attacks. Very rarely are such cases settled in court, as only a handful of media outlets can afford legal fees and other costs of filing lawsuits. Little is done in the regions, as there are very few NGOs there, and those have with outdated equipment and few funds.”

The Tbilisi State University Journalism Faculty, which is supposed to be the best journalism school in the country, cannot guarantee a good education to its graduates, according to the panel. “Traditions sometimes contradict today’s reality—our journalism was always more abstract, opinionated, commentary-based and NOT fact-based.” The academic programs lack practical training capacity and students cannot experience media work environments until they actually find a position. At the end of the discussion, panelists expressed their hope that young professionals will be raised in new social and political environments and not be bound to old, Soviet-style journalistic practices, so they can contribute to a positive change in Georgian media. Said one panelist: “I can see some changes: several years ago we had almost no interns, now many young journalists come to the radio and ask for internships. I see it as a positive change, which gives us hope for a better future.”

During Soviet times, Soyuzpechat, a state-owned distribution company, distributed print media in Georgia. In 1992 it split into two companies Georgia, Matsne and Sakpressa, both still owned by the state. In 1993 independent newspapers started hiring private individual distributors (*Krikuns*) because state firms refused to distribute their products and often delayed payments to independent outlets. Now there are several private distribution firms created by alliances among several independent newspapers. The distribution system outside of the capital is very poor; most private companies operate only within the Tbilisi region. Sakpressa charges 10 percent more of the cover price for distributing outside Tbilisi, which raises the price for papers sold in the villages, where people are least able to afford the difference “Distribution in the regions remains a major problem,” said panelists, “as is dysfunctional distribution in the cities. The majority of printing houses are furnished with outdated equipment, resulting in slow printing, delays, poor quality, and tabloid-only format. There are several high quality print houses, but their prices are too high for most media outlets.”

In Tbilisi there are about ten private printing houses, which offer relatively good printing quality. Several big newspapers have their own printing press (*Resonansi*). The regional press, however, are not satisfied with their printing options. Most of the regional printing houses are outdated and have very old equipment and low printing quality. Many regional newspapers, despite the inconveniences, get their papers printed in Tbilisi.

List of panel participants

1. John Hickey, Georgian Institute of Public Affairs
2. Akaki Gogichaishvili, RUSTAVI-2
3. Amy Spurling, *Georgia Today*
4. Tamar Chiqovani, Radio Liberty
5. Marina Vekua, Tbilisi State University
6. Zura Khrikadze, Internews
7. Maia Mikashavidze, GIPA Journalism School

Observers

Manana Gegeshidze (USAID)
Richard Tracy and Sopo Chaava (IREX)

Moderator

George Topuria

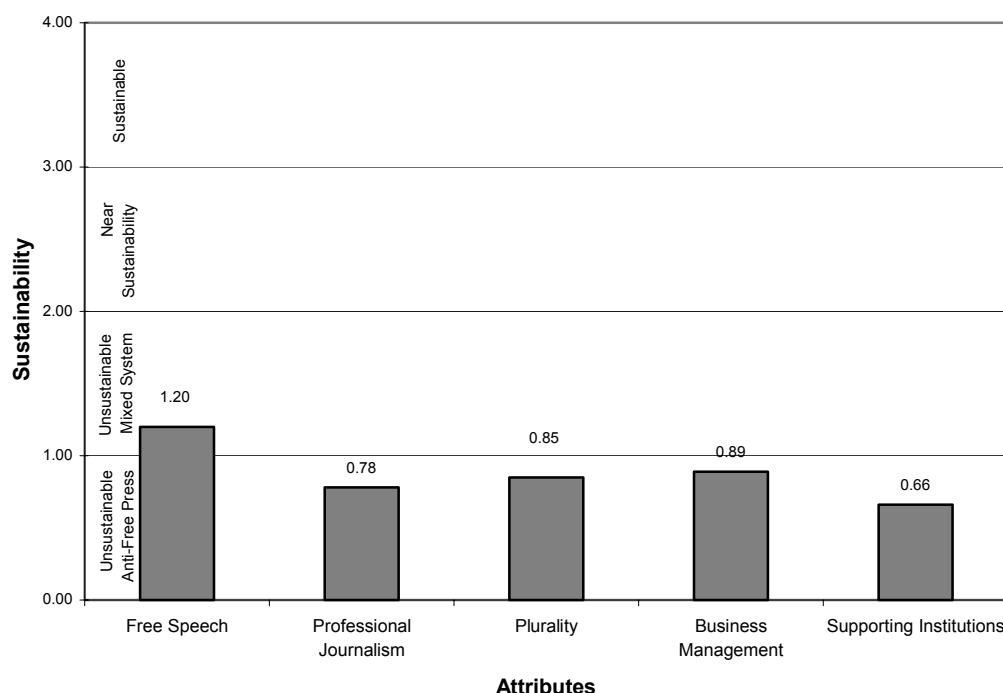
Kazakhstan

Introduction

Very much in the tradition of clan-based rule, President Nursultan Nazarbayev, his family circle, and loyal friends continue in both open and covert ways to supervise media outlets, patronize business development, and keep legal and political progress in check. Electronic media, for example, are totally controlled by the president and his daughter at the national level, and at the local level by *akims* (governors) loyal to the president. Advertising agencies and printing houses have to cautiously select their clients, as tax authorities might bankrupt those who prefer to deal with the opposition media. Censorship is officially prohibited by the constitution, and the Law on Mass Media guarantees freedom of speech. However, the government screens media and their information sources so rigorously that officially proclaimed rights appear to be for show. Even Internet providers are screened for compatibility with government policies. The recent amendments to the Law on Mass Media define any unofficial information as unreliable. What the West would deem useful public information is classified as a state secret and access is, naturally, only granted to outlets that can use it to prove their loyalty. Libel remains a criminal offence and even though journalists and editors are not in prisons, exorbitant fines quite successfully silence media outlets. If there are no good legal grounds to impose fines, tax authorities can also do the job by discovering tax evasion and bankrupting opposition media.

Repeatedly, the MSI panel discussants stressed that journalists feel constrained by their editors and owners to the extent that they not only abstain from writing the truth, but also survive on articles praising officials and business people, and on favorable reporting about sponsors. Even if that is slightly exaggerated, the belief that journalists are beholden to the powerful of the day was obviously a concern during the discussion. Such well-known political pressures are coupled with economic underdevelopment, lack of investment, and chronic poverty in the regions, and their overall effect undoubtedly weighs heavily on all areas of social life. This translates into almost nonexistent independent media, and an informational blackout in the regions created by the inaccessibility of local and foreign print editions and audience confinement to state radio and TV programs.

Media Sustainability Index - Kazakhstan



Scoring System

- 0** = Country does not meet indicator; government or social forces may be actively opposed to its implementation.
1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.
2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.
3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.
4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

- Above 3: Sustainable and free independent media
 2-3: Independent media approaching sustainability
 1-2: Significant progress remains to be made; society or government not fully supportive
 0-1: Country meets few of indicators and government/society actively opposing changes

Panel members rarely mentioned independent media; instead, they spoke of state, private, and opposition media. Private media are understood as business-controlled, enjoying the support of the president in return for loyalty. These outlets do cater to the interest of the government in the long run, but there is also some room for promotion of owners' business interests. In any case, private media are not *independent* media. Opposition media, on the other hand, are seen as antigovernment, subjective, and one-sided. All discussion participants seemed to be saying that truly independent media need different social, political, and economic frameworks to develop.

Professional reporting and programs are also constrained by the lack of access to uncensored information, self-censorship, and Soviet-era education and training. This is not to say that talented and brave journalists are not trying to make a difference (those working for *SolDat* and *Dozhivem do Ponedelnika* were often mentioned in that respect), but their work is more of an exception than the general practice. Meanwhile, biased reporting with little fact checking prevails and favoritism on all levels is overwhelming.

The need for reform in journalism education is long overdue. But lack of resources, qualified staff, donor interest, and investment, together with authoritarian rule and the practice of journalism to promote interests rather than present objective news and events to the public, still plague this unreformed society.

Attribute #1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

Panelists criticized the wide gap between Kazakh legislation and its implementation in the field of freedom of speech. Article 20 of the Constitution of the Republic of Kazakhstan guarantees freedom of expression and prohibits censorship. The Civil Code, the Administrative Code (with provisions on defending the honor and dignity of individuals and compensations for moral damage), the Law on State Secrets (classifying as secrets the information which according to international standards should be made public), and the Law on National Security (with vague provisions which can be used as a ground for legal proceedings against journalists) create legal obstacles to the practice of freedom of expression. For instance, according to the Law on National Security (1999) reporting on ethnic tension and border disputes could be considered a violation of provisions on national security and subject to legal prosecution. There are cases in the eastern and western parts of Kazakhstan and the Karaganda Oblast of journalists being warned by prosecutors for reporting on poverty in rural areas and on Kazakh relationships with China, Russia, and Uzbekistan.

Amendments to the Law on Mass Media adopted at the end of March 2001 place many restrictions on journalists' rights. For instance, any type of information gained from an unofficial source cannot be considered reliable. Internet sources are not considered reliable either. Another provision states that journalists and/or editors are fully responsible for the content of the quotes they use, whereas the source of the information is not held responsible.

The draft Law on Advertising, which is now before the Antimonopoly Committee for debate, interprets any kind of positive coverage of companies or individuals as "commercial information," so media outlets are asked to pay taxes for commercial materials when publishing or presenting such reports.

The way for journalists to defend themselves against freedom of expression violations is to open lawsuits against perpetrators. However, most of the courts are not independent and do not guarantee fair administration of justice. In most cases journalists worry about the content of their reports being manipulated or interpreted as offensive to public officials and there is an acute need for qualified legal advice on journalists' rights and protection against libel charges.

The public is quite indifferent to freedom of speech as a value and speech violations rarely cause public outrage. However, there have been incidents of media organizations reacting against violations: in January 2001, seven TV channels cancelled their regular broadcasting to protest the amendments to the Law on Mass Media. In general, the level of solidarity among journalists is low—they are too dependent on the owner of their outlets, and their freedoms are severely restricted.

Granting licenses to private broadcasters began at the end of 1996 under the jurisdiction of the Ministry of Transportation and Communications. After the first tender for radio and TV frequencies, more than 200 media outlets were shut down. Later, the Ministry of Information eased requirements for obtaining frequencies: fees were reduced and regional media were treated more favorably. However, MSI panel participants agreed that all these measures came too late, as many TV and radio stations had already closed down. Some panel members mentioned that licensing still depends upon many factors "beyond the legislative framework." The main principle is loyalty to the government: the proposed programming is screened for allegiance to authorities. Licensing officials often take bribes: as a panelist said, "in licensing we have the complete tyranny of the state; bribes and blackmail accompany the procedure."

The legislative framework for independent media business development is fair in theory; however, there are major obstacles impeding it in reality. The major problem is how the authorities monopolize the media market. The president's family controls the advertising market, which makes it impossible for media to survive financially without being loyal to the government. People with government connections head large media holding companies and under the guise of independent media outlets they monopolize media space and control the market and the information disseminated. The 1991 provision in the Law on Mass Media *against* monopolization of the media market has disappeared in the amended 1999 law.

Formally, tax requirements for private and state media compared to other types of businesses do not differ. Electronic media are exempt from VAT; print media do not pay VAT when they produce and disseminate their own media products. The government widely uses tax authorities to bankrupt independent opposition media, such as the newspapers *XXI VEK*, *SolDat*, and *Dozhivem do Ponedelnika*. *XXI VEK* was shut down after several tax inspections. Copies of *Dozhivem do Ponedelnika* were confiscated from a private printing house and burned in 1999. Such pressures are not just politically motivated but are also used to prevent popular media outlet expansion into the market. A recent example is the tax police raid of the NS Radio office in Almaty in March 2001. The radio was planning to launch a TV channel and was becoming quite popular in Almaty, as well as a threat to the TV Channel *Khabar*, controlled by the presidential media holding. As a result of tax inspection, the radio was declared on the edge of bankruptcy and managers were replaced.

Media owners strictly control management of all media. At the local level, media managers are fully dependent on the *akim* (governor) and his administration. That is why local media are in practical terms the mouthpieces of local *akims* and administrations. In the second half of the 1990s, management in all major private media outlets changed either as a result of tenders on frequencies or under the pressure of unfair taxation. In addition, major publications, as well as TV and radio channels, were shared between big industrial groups, such as the Maskevich group (*Express K* newspaper), the Obliazov group (*Respublika* newspaper, *TV Channel TAN*), and some others.

Although legislation guarantees equality of access to sources of public information, the MSI panelists argued that state-controlled media such as *Kazakhstanskaya Pravda* or the *Khabar* TV channel enjoy preferential treatment. Also, media affiliation to certain government agencies or financial groups plays an important role in securing access to publicly relevant information. Regional newspapers are in a difficult position because of their total dependency on local authorities. If a local newspaper dares criticize an *akim* or his administration, it would never receive any information from them in the future.

One of the mechanisms for limiting access to information is the mandatory accreditation needed to public media events such as press conferences or various official meetings. An amendment to the Law on Mass Media obliges public officials to provide access to public information, but in practice it doesn't work, as the deadline for responding to information requests is 30 days, which makes information outdated. Officials are reluctant to share information with journalists, and their superiors often criticize those who are willing to communicate with the media.

Journalists and media professionals are not only hindered by business practices and access to information but they also face other obstacles—most notably physical harm. In the last three years around 30 journalists have been attacked. Investigations into such cases usually end up in deadlocks and perpetrators are not identified. The other type of prevalent crime is stealing computers with important information. The most recent example of an intimidating assault on a journalist was the beating of Gulzhan Ergalieva, host of the “Public Agreement” talk show on Channel 31, a program sponsored by the Soros Foundation. The Interior Ministry investigated the case and one of the attackers was detained. The Ministry did not make any further comments. In most cases, authorities deny any connection to the professional activities of the victims. In general, Kazakh journalists do not fear for their lives: a panelist said, “our journalists are not afraid for their lives yet, they do not believe that they can be killed because of their profession.”

Participants mentioned that the level of physical harassment against journalists in Kazakhstan is the lowest among the CIS countries. However, journalists do not feel secure because of their high dependency on media owners. They are often intimidated and this is especially true of those who investigate legal, economic, or political scandals and corruption. Due to low salaries, journalists feel very vulnerable and worry about anything that could jeopardize their job security. They also are afraid of being stigmatized as disloyal to the regime, which would make finding other media jobs impossible.

Libel is a criminal offence in Kazakhstan. In 2000, about 70 lawsuits were filed against journalists for libel. So far, none of the journalists has been imprisoned, but a lot of outlets were fined following legal proceedings (the newspapers *Soroka*, *Diapason*, and *Nachnem s Ponedelnika* among others). Such fines are usually more than enough to bankrupt private media (*Soroka* and *Diapason* in fact went bankrupt). One positive outcome was the acquittal of the editor in chief of the *SolDat* newspaper at the end of March 2000; he was sued for defaming the president.

The government imposes no restrictions on entrance to journalism schools. There are seven departments of journalism at state universities all over Kazakhstan. Four years of training in journalism costs US \$600 per year, which is considered an affordable price for most of the students.

All information from international sources appearing in the Kazakh media is carefully screened. Foreign information about Kazakhstan is practically banned. For instance, in the summer of 2000 *Newsweek* and *Time* ran articles on oil-related corruption at the presidential level, yet they were reprinted by only one Kazakh English-Russian newspaper, *All Over the Globe*. The government suspended distribution of the paper and the owner had to sell his business.

New media such as the Internet has also begun to emerge in various ways in Kazakhstan. In January 1999, the government established a billing center at Kazakhtelecom, Kazakhstan's largest telecommunications company, giving the government a centralized means of monitoring Internet access. All Internet providers are obliged to get Internet connection through that center, obviously giving government much control over Internet access. Satellite TV is controlled by the Catelco Company, which allows the government to screen the Russian TV channels rebroadcast to Kazakhstan. Media outlets can reprint and rebroadcast foreign news programming, yet self-censorship is the main factor hindering the free flow of international information into the country.

The Law on Languages requires 50 percent of broadcast programs to be in the Kazakh language. However, most broadcasters ignore this rule because of the lack of demand for Kazakh-language programs.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

Some panel members admitted that although journalists try to fact-check the information they present, they often fail because reliable information is not always accessible or because journalists are forced to provide favorable coverage. In most cases they cover only one point of view. Other viewpoints and ideas are included only if there are complaints: "Journalists are not always interested in finding the truth," said a panelist. Another panelist argued that good professionals usually provide more balanced reporting. As a positive example the panelist mentioned the newspaper *Novoye Pokolenie* with its special rubric "Point of View."

Participants pointed out that there are two main journalistic styles in the Kazakh media: one is factual reporting and the other is analytical writing. Factual reporting is still rare, while what is considered analytical writing comes closer to the Soviet-style of journalism and is still very popular. This type of writing is more common in Kazakh-language papers. Inclusion of commercial advertisement in media

products is not evenly practiced in the republic. In large cities such as Almaty, Astana, and Karaganda, the market is developed so the demand for media advertising is high. In the regions, however, advertising is far less developed.

Regarding journalism ethics, journalists in Kazakhstan do not follow accepted standards. A panelist stated, “Presently, media organizations have tremendous economic difficulties. Under such conditions they are focused on generating at least a minimum profit to survive.” Panelists admitted that although journalists do not take bribes, they demand payments for positive coverage. This leads to a situation where any kind of positive article is considered advertising and commercial departments block positive materials unless they are paid.

Self-censorship is a widespread practice amongst among Kazakh journalists, as they are frightened of loosing their jobs or becoming targets of moral harassment. Panelists agreed that there are some topics that should not be covered under any circumstances, such as the president and his family, corruption at the government level, oil revenue distribution, and ethnic relations.

Salary levels for journalists are very low except in a limited number of relatively wealthy private media outlets. There is an active outflow from the profession into governmental agencies. Most journalists consider their work as a stepping stone for careers in government agencies or the private sector, hence the commonplace practice of selling articles favorable to politicians and businesses. There is a large gap in pay levels between local or rural journalists and journalists in Almaty and Astana: average local salaries are about US \$50 monthly, while journalists in Almaty make on average US \$200-250. The salary levels of state and private media professionals are basically the same.

Panel members mentioned that a balance between serious news and entertainment exists in the press, but that entertainment programs dominate both FM radio stations and the national broadcast network. The lack of high-quality news programs, rather than audience preferences for more entertainment, is the central reason for the disparity between news and entertainment. Panelists mentioned that audience research is not popular and that there is no opportunity for the public to influence program content.

In terms of hard-hitting news coverage, the participants agreed that investigative journalism does not exist because access to information is blocked, self-censorship is strong, and journalists are not trained in that kind of reporting. Of all the types of niche reporting, Kazakh journalists provide good coverage of economic news and events.

Aside from professional standards or educational background, the Kazakh press is faced with technical and equipment dilemmas. A shortage of video equipment for TV channels is a severe problem affecting the quality of news gathering and reporting. “In most TV channels,” said one panelist, “reporting teams queue for cameras and video editing equipment.” Print media suffer from lack of computers, and the quality of printing is in most cases very low. Undoubtedly, outdated equipment, or utter lack of it, impacts the state of media in Kazakhstan.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

Some panel members argued that plurality of news sources exists only in Almaty and other big cities. At the local level, especially in rural areas, people often do not have access even to radio programs. Others disagreed, saying that foreign radio stations broadcasting in Russian and Kazakh are becoming more popular. In many rural areas people listen to Radio Liberty, the BBC, and Voice of America in the Russian and Kazakh languages. National and local radio coverage is also available. Panelists agreed that television remains the most affordable source of information at this time. Print editions are affordable mainly in the big cities, and the price differences between private and state media are insignificant.

Most of the Internet users live in big cities such as Almaty and Astana. Some participants mentioned that the practice of *Samizdat* has been revived in Kazakhstan: for example, materials from Web sites such as www.Eurasia.ru are printed twice a month and distributed among interested readers. The participants agreed that the major foreign publications are available in Kazakhstan, but at very high prices. However, according to the Kazakh Administrative Code, foreign publications cannot be distributed in Kazakhstan if they contain materials that contradict Kazakh legal provisions. This allows officials to arbitrarily ban some foreign newspapers. The government strictly controls information about Kazakhstan from non-state sources. Russian TV channels and newspapers are censored prior to broadcast or distribution in Kazakhstan. Cable TV is available in most cities at affordable prices but foreign media channels like CNN and the BBC are not included in the standard package and cost much more. Cable TV is not available in rural areas.

Participants were of the opinion that all TV news services basically offer the same kind of coverage and comments. The lack of diversity is explained by the existing self-censorship and taboo topics. Opposition outlets have no voice in electronic media and very little in the press. Kazakhstan does not have public broadcasting, as all media are either directly controlled by the president or by private companies and individuals, which are also under the control of the presidential family. The interests of owners affect the type of news, as they try to discredit their business and political rivals. The volume of educational and cultural programs is small, as most of the time TV channels broadcast soap operas, advertising, and news programs.

There are some private news agencies in Kazakhstan, but according to panel members they can hardly be called independent. Among them are Kazakhstan Today, Koda, and Interfax Kazakhstan. Subscription to these agencies is expensive and most media institutions cannot afford it. For instance, Interfax costs US \$300 per month. There are no local independent news agencies in Kazakhstan. Agencies like Reuters, Associated Press (AP), and l'Agence France-Presse (AFP) focus mainly on economic news or oil transactions. Most of the local media cannot afford the services of these agencies.

Media ownership is not transparent at all, yet most people know the owners from rumors. More experienced audiences may find out about owners judging from subtle differences in styles and coverage of topics. As some panelists mentioned, "the main thing media owners are non-transparent about is the fact that people close to the presidential family own media outlets."

In Kazakhstan, there are Korean, Uigur, Ukrainian, Kurd, and German newspapers. However, panelists admitted that the volume of broadcasting in minority languages had shrunk in recent years. This has happened because there are no funds to sustain these programs, rather than due to government interference. The quality of minority programs is low, and issues of importance to minorities are not covered. Their circulation is very small and the quality of printing is rather poor.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

Independent media are clearly hampered by economic conditions, business practices, and holdovers from previous government influence on the media industry. Distribution networks and printing houses do not support the efficient functioning of media. The market for printing services is underdeveloped and the number of printing facilities, both state and private, is very small. The existing printing companies have monopolized the market, which leaves print media with very little choice. The state printing houses' management is best characterized as "Soviet": performance is unreliable, managers take bribes for meeting deadlines, and state orders are favored over those of the private outlets.

Some panelists thought that the reasons for the backwardness of the printing facilities are mainly economic: investing in printing in Kazakhstan is not profitable and anyway the press does not have the means to invest. Others argued that obstacles to developing printing are mainly political: the state still controls printing facilities. The printing house Dauyr was mentioned as an example: it is a joint-stock company with the state having the majority of shares. Dauyr, being the largest printing house in the country, provides discounts to state-controlled newspapers, such as *Kazakhstanskaya Pravda*, and printing them is a priority. Printing houses, under government pressure, set low prices for state newspapers, higher prices for private newspapers, and rather exaggerated prices for opposition newspapers. Possibly the biggest impediment to print is that, according to a provision in the Administrative Code, the owner of a printing house has a personal responsibility for the contents of the material printed by his company.

The practice of self-censorship is also widespread in the printing business. The state uses tax measures to pressure those printing houses that publish opposition press. Consequently local printing houses refuse to handle the opposition newspapers *SolDat* and *XXI Vek* and they have to be printed abroad.

Most newspapers use the state distribution networks, and a few other papers have their own system. State services are mainly used in the regions and there are many complaints about late deliveries.

The main source of revenues for media is advertising, which accounts for almost 90 percent of all profits. Some revenues come from producing ordered materials. Revenues from subscription and distribution are negligible. Most advertisers can influence the content of media outlets, demanding that they not publish any information about their competitors.

The panelists agreed that although the advertising market in Kazakhstan is not highly developed, the progress compared to seven or eight years ago is obvious. As a positive tendency they mentioned the growth of local advertisers' shares in the market. Panel members also admitted that advertising is almost monopolized by the media controlled by the presidential family (TV channels Khabar and KTK, Radio stations Europe Plus, Russian Radio, and the newspaper *Caravan*).

Local media cannot afford to hire highly professional staff to handle their advertising and marketing. Most world advertising agencies are active in Kazakhstan. Russian advertising agencies are also present in Kazakhstan. There are some local agencies, but their output is a far cry from the world networks and

the Russian agencies. In most cases big agencies work only with big national media companies which have the highest ratings, such as ORT Kazakhstan, Khabar, KTK, Radio Europe Plus, and some others.

The panelists discussed a draft decree that would establish tender procedures for all media to compete for government subsidies to publish official information. According to the tender requirements, only daily publications with circulations of more than 50,000 copies could participate in the tender. Presently, the state distributes some subsidies without tender procedures.

The panelists agreed that the Kazakh branch of the Gallup Media Institute presently has a monopoly position in producing broadcast ratings and media research. Although their research is reliable and objective they are very expensive and not affordable for most media institutions. The main clients of Gallup in Kazakhstan are the big international advertising agencies.

Media outlets in Kazakhstan cannot afford to run market research departments or hire professional market researchers to conduct regular market studies to raise advertising revenues. Audience research is conducted sporadically, and in most cases is the job of editors, who obtain audience feedback by telephone interviews or through mailings.

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

There are presently six major active media associations in Kazakhstan: the Association of Independent Mass Media of Kazakhstan and Central Asia (ANESMICA); the National Association of TV Broadcasters; the Association of Kazakh Broadcasters; the Journalists in Trouble Foundation; the International Foundation for the Protection of Glasnost (Adil Sez); and the Kazakh Branch of the Internews International Network. There are two Press Clubs—the Kazakh Press Club and the National Press Club—currently operational in Kazakhstan. However, they are involved basically in commercial activities—organizing press conferences, round tables, and various PR events—and do not represent the interests of media professionals. Occasionally they receive grants from various international donor organizations to hold media seminars and training for journalists and media professionals. Media professionals in Kazakhstan do not have a single trade union, because of the conflicting interests between different media outlets.

The Independent Electronic Mass Media in Central Asia (ANESMICA) is the oldest private media association in Kazakhstan, founded in 1995, and comprises 83 members from TV and radio companies and newspapers from Kazakhstan, Kyrgyzstan, Uzbekistan, and Tajikistan. The principal goal of the association is “to protect its members on the basis of corporate solidarity.” ANESMICA disseminates information through its member networks on state discrimination against media companies and professionals. In addition, it provides news on the media situation in member countries to about 400 media organizations worldwide. ANESMICA has on occasion initiated legal proceeding against discriminatory government decisions, and the agency also helps TV and radio outlets restore revoked licenses and frequencies.

Adil Sez, registered in 2000, focuses on monitoring violations of journalist rights and on providing legal support to its members. It publishes an annual report on the media situation in Kazakhstan. Adil Sez is affiliated with the Russian Glasnost Defense Foundation, and, according to some panelists, is the only active organization in the field of media development and freedom of speech protection besides the

Kazakh Press Club. The Kazakh Press Club was established in 1995 with the help of USAID, and is now a sustainable Kazakh organization. Besides organizing paid press conferences and other media events, the Press Club launches trainings for journalists and other media professionals with grants from various donor organizations. The club maintains direct contacts with some members of parliament, but is not very active in promoting journalist interests in the parliament.

Unlike ANESMICA and Adil Sez, the Journalists in Trouble Foundation is a fee-based membership organization. There are no specific requirements to join, except the professional one. The foundation offers legal, moral, and financial support. It recently helped Gulzhan Ergalieva after she and her family were beaten in their apartment, allegedly because of her talk show on the private TV Channel 31. Some panel members claimed that ANESMICA has made progress in lobbying the government on behalf of their members. ANESMICA can initiate discussions in the press regarding important professional concerns, organize round tables with the participation of MPs where journalists can voice their problems, and it maintains contacts with at least ten MPs who lobby for journalists' rights in parliament.

The National Association of TV Broadcasters and Association of Kazakh Broadcasters were established in 2000. The national TV channels constitute the membership of the former, which is under the patronage of the president's daughter, Dariga Nazarbayeva. The main goal of the association is to show how "democratic" Kazakh TV has become. The family also controls the other association headed by the President of Channel 31, Arman Baitasov, and it differs from the National Association in focusing mainly on regional TV channels.

Overall, these associations are not popular among journalists, as they are not very efficient or democratic. Also, journalists are reluctant to discuss publicly their problems and as one panel member said, "journalists are afraid of publicity, they avoid speaking about their preferences since they are afraid of losing their jobs. They have to follow the will of their editor or owner." One participant claimed that "by establishing these associations the government tries to establish control over media."

Panelists admitted that the Union of Journalists, dating from Soviet times, is the only trade union in the country. Although the management of the union changed last year, it operates at a very basic level, due to the lack of financing.

The main school of journalism in the country is the Department of Journalism at the Kazakh State University, which trains TV and print journalists, international affairs journalists, and public relations professionals. In addition to the main state university, there are some smaller schools, both private and state-funded, but the quality of education there is low (except at the Kustanai State University). Generally, the faculty at these institutions use Soviet-style teaching methods and teaching aids. Panelists stressed that another major reason for the low level of education is the impossibility of attracting quality teachers, as pay is rather low. Employment possibilities for journalism graduates are limited.

Training abroad and short-term training in-country is sponsored by the United States Information Agency (USIA), the United States Agency for International Development (USAID), the United Nations Development Program (UNDP), the United Nations Educational, Scientific, and Cultural Organization (UNESCO), the Soros Foundation, the Eurasia Foundation, and the British Council. These programs are administered either by donors or by organizations such as the Kazakh Press Club, Internews, and the Kazakh State University. These programs have so far assisted a very limited number of journalists and generally do not have a wide impact on the quality of professional programs and writing. As one panel member said, "the main drawback of these programs is the lack of sustainability, as trainees usually do not have an opportunity to get further guidance once they finish the course and actually start practicing what they have learned." The Kazakh president-sponsored international education program called Bolashak, which sends young Kazakhs to study abroad mainly in the US and Western Europe, launched a training program in journalism this year for the first time. Panelists mentioned that Kazakh media

professionals need training in media management, reporting skills, marketing, and in some basic legal skills.

List of panel participants

1. Tamara Kaleeva, Director, Adil Sez Foundation
2. Asel Karaulova, President, Kazakh Press Club
3. Galia Ibraieva, Head of the Department for International Journalism at Kazakh State University
4. Steven Schmida, Regional Director, Eurasia Foundation, Kazakhstan
5. Aida Dosayeva, Program Officer, Eurasia Foundation

Observers

Chuck Pope, IREX, Deputy Regional Coordinator for Central Asia Internet Access and Training Program
Sundaa Bridget, Deputy Director, Office of Democratic Transitions, USAID

Panel moderator

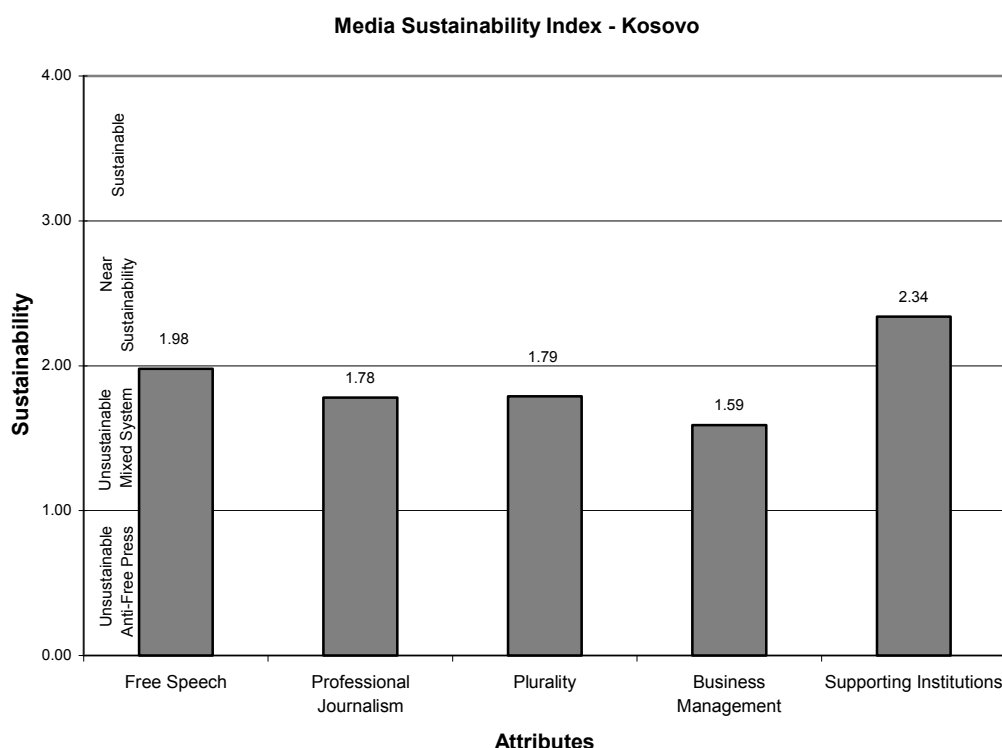
Timur Nurpeissov, a political scientist and a journalist with local and foreign media experience.

Kosovo

Introduction

Kosovo had little independent media while under direct Serbian control. Therefore, freedom of speech is a highly regarded commodity in Kosovo after years of repression. Throughout fifty years of socialism and ten recent years of more repressive rule under Serbia, Kosovar Albanians in particular knew only state-run media and had limited access to independent sources of information in their own language. There was only one Albanian daily newspaper, *Rilindja* (Revival), which was shut down when the Milosevic regime took over in 1990. For almost a decade afterward most Albanian-language media were banned. *Bujku* (the former *Rilindja*) continued to publish with questionable legality. In 1997 the private daily *Koha Ditore* was launched, giving Kosovo some degree of media pluralism for the first time in its history. Clearly, the citizens of Kosovo and Kosovar journalists entered the current period under the United Nations Mission in Kosovo (UNMIK) protection with little experience of independent media.

The first task after the war in 1999 was to rebuild the media from the ground up. The terrestrial broadcast network controlled by Serbia (Radio Television Pristina or RTP) was bombed during the war and virtually all sites were rendered nonoperational. By mid-2001, there were 93 licenses issued to radio stations province-wide. Television licenses numbered 24. Four national coverage licenses were granted: Radio-Television 21 in Pristina holds radio and television licenses, KohaVision in Pristina holds a television license, Radio-Television Kosova (RTK), the public broadcaster, holds two radio and one television licenses, Radio Dukagjini in Peja holds a radio license. The transmission system for province-wide broadcasters is under construction with support from United States Agency for International Development (USAID) and the Government of Japan. Seventy-eight percent population coverage was reached in September 2001.



Scoring System

- 0** = Country does not meet indicator; government or social forces may be actively opposed to its implementation.
1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.
2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.
3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.
4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

Above 3: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government not fully supportive

0-1: Country meets few of indicators and government/society actively opposing changes

UNMIK took control of day-to-day governance and entrusted all electronic media licensing and media regulations to the Organization for Security and Cooperation in Europe (OSCE). In addition, OSCE became responsible for transforming RTP, re-named Radio-Television Kosovo (RTK), into a public service broadcaster. To date, licensing seems to be both fair and quite competitive.

Independent electronic media have reached a saturation level, given the number of licenses issued and the number of stations broadcasting. OSCE is trying to be fair and impartial in issuing licenses, but readily admits that there are too many outlets for the province. A wide array of sources has helped independent electronic media, including nongovernmental organizations (NGOs), the European Broadcasting Union, the United Nations, and the U.S. government. Stations have received help in the form of equipment grants, training, and reimbursements of monthly operating costs. All of this support has created a false sense of sustainability in the years following UNMIK control. Stations are for the most part not operating as profitable businesses; instead, they rely on donor money for support.

2001 and 2002 will see a shakeout of licensed broadcast outlets. Many NGOs and governments will not continue to support independent media. Stations will have to sustain themselves via the commercial market, which currently is not strong enough to support all licenses issued.

Attribute #1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

Freedom of speech is valued in Kosovo but long-term protections remain uncertain, and more progress is needed on legal protection of free speech and access to public information. Under current UNMIK control, much of the future of media independence rests with UNMIK and OSCE, and the acceptance by future Kosovar governing structures of the concept of free speech, in theory and practice, remains unknown. OSCE has promulgated regulations and codes of conduct to meet international standards, with the exception of public information. The OSCE's temporary media commissioner oversees the regulatory issues. An Independent Media Commission (IMC) with significant Kosovar representation is being created to handle both licensing and violations of the code of conduct for electronic media.

The "constitutional framework" for Kosovo includes provisions safeguarding freedom of speech and the independence of journalism. The IMC will be an arms-length regulatory agency. How rights will be protected is not yet clear, because Kosovar institutions of government are not fully functioning and current UNMIK regulations do not include a freedom of information law. There have been reports of officials unwilling to provide official documents to journalists from electronic and print media. Panelists have agreed that free speech and access to public information is not up to Western standards in Kosovo. They stressed that the entire media community in Kosovo were against UNMIK's regulations, considering them to be a deterrent to free speech and expression of ideas. It will be up to the IMC to rectify UNMIK's current regulations in this fundamental area.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

The journalist as a society's "honest broker of information" is a relatively new concept in Kosovo. Many reporters see themselves as employed to promote a particular political party or viewpoint. The reporting of most media is fairly objective, but years of scrutiny by Belgrade has somewhat weakened the impartiality of writers and broadcast journalists. There is also a great fear of violence in the journalism community: organized crime is almost a taboo subject in Kosovar media for this reason. The lack of laws and security discourages journalists from writing about dangerous topics.

Journalists in both electronic and print media are not paid as well as European or Western journalists, though salaries are higher than in any other local businesses. Salary reductions have been taking place in mid-2001 in almost every print or broadcast outlet. Many stations (particularly TV) hire away good journalists from the competition. Shortly after the UN and international agencies came in, media was a privileged profession, as there was a huge demand for journalists: that boosted salaries. Radio and TV stations and newspapers had the money to pay an average monthly salary of \$500 (this average has now dropped to \$300), while other local businesses and state institutions could pay only \$150–\$200 per month.

Despite a great deal of international instruction since 1999, journalists in Kosovo are generally poorly trained. Media facilities are not up to normally accepted standards. The isolation that resulted from 50 years of state control of media meant that Kosovar journalists never really had a chance to understand the standards of quality and professional reporting that Western countries take for granted. The media organizations that have received significant donor support since the war are better equipped, have better paid staff, and for the most part have higher professional and ethical standards. While some stations in the larger cities have fairly good technical equipment, most of the regional stations are still ill equipped.

There is currently one private journalism school in Kosovo. The University of Prishtina lacks journalism-training capacities, although there is a project to establish a graduate program in journalism in the near future. A significant amount of basic journalism training has taken place in Kosovo through international NGOs, which continue to mount programs for journalists in all media. Courses range from very basic skills to investigative journalism and election reportage. The Media Sustainability Index (MSI) panel considered that more time and training are needed to overcome the gap that has been many years in the making. Particularly needed in Kosovo is investigative journalism: there is currently little or no reporting of this kind. Many NGOs plan to concentrate on training in this crucial area.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

Kosovo has a wide variety of new media sources available to the population, reflecting a wide range of viewpoints. However, many of the sources are not financially viable and may not survive over the long term. Prior to 1999, there were only two Albanian newspapers (*Bujku* and *Koha Ditore*). The only electronic media were state controlled (RTP). The other extreme now exists, as there are currently 93 licensed radio stations, 24 TV stations, and 17 newspapers (6 dailies and 11 periodicals). In addition, there is the public broadcaster, RTK, operating one television and two radio stations.

Currently, the most popular newspapers are *Bota Sot*, *Koha Ditore*, and *Zeri*. There are also many magazines and weekly newspapers throughout the area, as well as many foreign publications for the international community (if not entirely affordable to Kosovars). On the broadcast side, RTK and Radio 21 are the leading stations. The public-service RTK, operating with a British manager and under OSCE oversight, is considered to be an impartial source of news. Some worry that once it comes under the control of local authorities it may lose some of its independence.

Because of the inchoate nature of the current government structure, and as a result of the international presence in Kosovo, many government and institutional stations also broadcast throughout Kosovo. Many international broadcasters such as Voice of America (VOA), the British Broadcasting Service (BBC), Deutschewelle (DW), and Radio France Internationale (RFI) can be heard province-wide. Kosovo also has three news agencies currently operating: Kosoalive, Kosovapress, and Kosova Information Center. The first province-wide audience ratings will take place this year for all media.

More national coverage of events is provided in Kosovo than local and regional news. There is a lack of true local coverage in the electronic media. Newspapers produce better local coverage than electronic media. In general, the actions of the international community in Kosovo and province-wide political events and issues receive the bulk of media coverage.

Serbian programming is available on some regional radio stations, with most programs consisting of daily news and community affairs. Some of these stations operate in multiple languages while others are Serbian-language stations. There are currently no Serb TV stations in Kosovo. Many Serbs have fled the province, and most of the remainder live in unconnected enclaves and have restricted their movement due to safety concerns. Therefore it is difficult to create viable broadcast and print media serving the Serbian community. Albanian papers, television, and radio provide some information on the life of Serbs in the

area. There are only a few small Serb newspapers, and access to them is limited outside of heavily populated Serb areas.

While media outlets have unrestricted access to public and international information, many of them cannot afford daily access to Internet services. Internet is available in Pristina, but in smaller cities and communities it is not widely available. IPKO (a local Internet provider) is currently working on a scheme to have most of Kosovo connected to the Internet by the end of 2001. For almost two years, all media organizations had free Internet access provided by IPKO. Beginning in January 2001, a charge ranging from \$500 to \$1,000 per month was instituted for any print or broadcast outlet that wanted Internet access. There are several local Internet providers working now in Kosovo.

Three local news agencies (Kosovo Information Center, Kosovapress, and Kosovoalive) offer their services through their Web pages free of charge. Only Kosovoalive seems reliable. Some newspapers and stations (*Koha Ditore*, RTV 21) have Internet editions, but they are not updated on a daily basis.

Ownership qualifications for electronic media were too liberal in the first round of licensing by OSCE. It is unclear exactly who owns and operates many of the stations in Kosovo. The IMC (when it is in place) will need to invest a much effort to correct this omission. The present conditions make it unclear what direct investment or influence political figures have in media outlets. Consequently, judgments about the propriety of ownership are based on rumor or insider information, the accuracy of which is questionable.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
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5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

Media in Kosovo are not well-managed businesses and most are donor-dependent. The independent media sector is only two years old, with a few exceptions such as *Koha Ditore*. Former journalists manage most media outlets and are consequently learning management skills on the job. Budgeting, sales, advertising, and human resources are all areas for which these former journalists had no preparation. Many media organizations have untrained sales and marketing staff; many others lack dedicated staff for these functions. Donors provide some instruction and assistance in this area but it will take years of training, both on the job and in formal settings, before a pool of competent sales and marketing staff is available.

The major complication in establishing media marketing is the lack of an infrastructure for commercial viability. The economy remains weak and dependent on the international community, much of which does not generate the advertising it normally would. Commercial advertising is now accepted as normal and there is advertising by Kosovar businesses. However, this is not enough to support the stations and newspapers currently operating. Small and medium businesses do not necessarily understand advertising, and stations and papers are not engaged in an educational role on the value of advertising. The lack of advertising agencies complicates the problem.

Some radio stations manage to cover 50–75 percent of their operating costs through advertising, but most media struggle to meet basic operating costs. Only *Bota Sot* and *Koha Ditore* are considered self-sustaining, since they have the biggest circulations and seem to have attracted significant advertising in their publications. Other stations survive through donations. Over the next few years, some of the existing

media should be able to achieve self-sustainability, depending on economic conditions. The infrastructure of Kosovo will have to improve greatly for more businesses to be able to start up and thus provide a marketplace for goods and services. However, with the saturation of the media market, the competition for scarce advertising revenue will force many stations out of business. RTK, the public service broadcaster, currently takes advertising, and limits to its market share are being discussed. Private broadcasters fear that without strict limits, RTK could take a significant portion of the market or drive down prices, since it will also be the beneficiary of a fee levied on citizens' electric bills.

Audience research is in a preliminary stage in Kosovo. The first major media research project will take place in the third quarter of 2001. No local research of note has been produced in Kosovo, and consequently most stations and papers operate with only a rudimentary understanding of their audiences. This not only affects their ability to sell advertising, but also affects their ability to meet their audience's needs. Donors are funding the planned research and it is unclear when local media will have the ability to fund market research themselves.

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

Kosovo does not have a history of independent associations representing journalists' and media owners' interests before the public and government. Free speech NGOs did not formally exist in Albania under Milosevic and journalism education was not possible in formal settings. The Serbian government and private interests tied to the state controlled printing and distribution networks. With the end of the war in 1999 and the advent of UNMIK political control, Kosovar media had to start these institutions from the ground up. However, they also had to concentrate on building their media outlets and the technical infrastructure, and the development of professional associations and NGOs took a back seat to more pressing concerns.

After nearly two years of post-war development, there is progress in the development of professional associations. In general, however, the existing associations operate in an ad hoc and heavily politicized and fractionalized manner. Several donors are encouraging associations to take over the enforcing of professional standards as a way of improving effectiveness. AMPEK, the private broadcasters association, has become more active and has been more vocal in advocating its members' rights before the OSCE and UNMIK. It remains in its beginning stages however and is developing its membership and discussing a more active role.

What is commonly referred to as the "journalists' association" has a board that is in fact composed of media owners and managers. This association was formed with the encouragement of the OSCE so it would have an interlocutor representing the interests of media when developing media regulations. However, the association has been inactive unless prompted by the OSCE or other donors. Donors are again encouraging reform of the association and a focus on journalists issues.

There is currently no university program for journalism or communications in Kosovo. There are plans to start a journalism program at the University of Prishtina in 2002. The MSI panel cited international NGOs such as the BBC and IREX as good trainers in the interim but stressed that training needs to be transferred to and controlled by Kosovar institutions.

While there are three network TV stations and four network radio stations covering Kosova, there is still inadequate distribution of news sources for the electronic media. Province-wide stations reach only 78 percent of the population through KTTN. Donors have spent millions of dollars accomplishing this level of coverage but more funding for expansion seems unlikely at this point. Internet usage is not readily available throughout Kosovo although there are plans by one provider, IPKO, to expand throughout the country. However, cost will also inhibit the rapid expansion of Internet usage. Without a Kosovar government, private printing and distribution networks are the only operators. However, they are not necessarily efficient or modern. Individual papers own printing presses although they do print other papers as well.

List of panel participants

1. Cynthia Efird, Director of Media Regulation, OSCE
2. Argjentina Grazhdani, Office of Democracy, USAID
3. Vjollca Krasniqi, Media Department, Office of Transition Initiatives (USAID)
4. Avni Spahiu, Senior Journalist, RIINVEST Institute
5. Isuf Berisha, Director of KFOS (SOROS Foundation)
6. Ibrahim Gashi, IREX/Kosovo

Panel moderator

Astrit Salihu, Director of Gani Bobi Institute for Media Monitoring

Kyrgyzstan

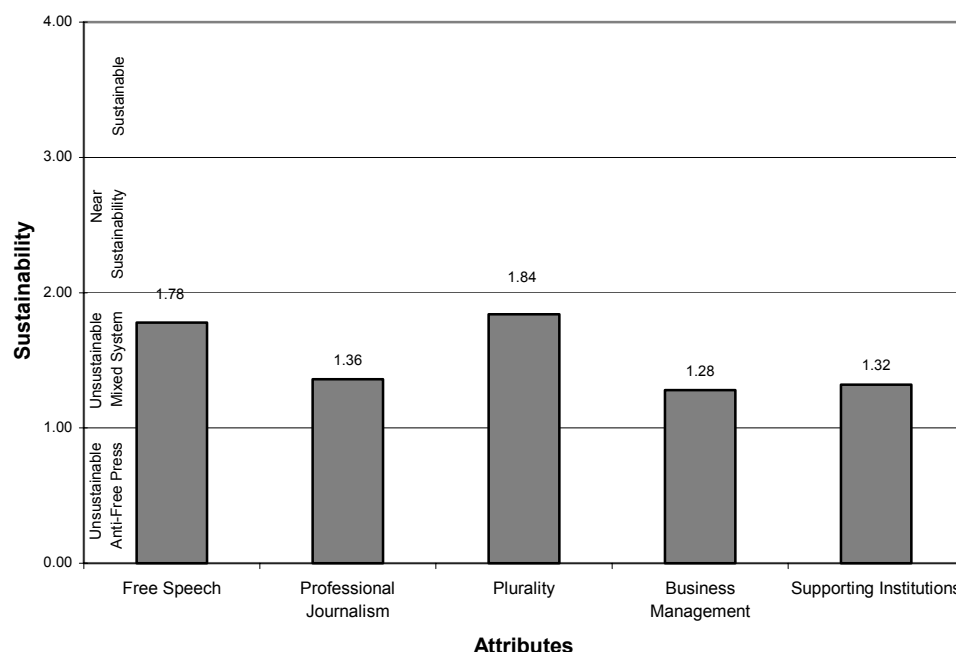
Introduction

Until recently, Kyrgyzstan enjoyed a reputation as a relatively free society compared to its Central Asian neighbors. In the early days of independence from the Soviet Union, the country was even considered an island of democracy in an authoritarian sea. That benign climate, however, has been changing over the past several years. Since 1995, the political situation in Kyrgyzstan has been increasingly tense, with the process of democratization becoming more and more unstable. In the economic sphere, most of the leading commercial companies have been taken over by public officials or were liquidated in cases where the government could not take control. The privatization of the state joint-stock company Kyrgyzalco, for example, was said to have involved official corruption and bribery.

In the political sphere, the Kyrgyz government has been increasingly less tolerant of political opposition. This was evident in the parliamentary and presidential election campaigns of 1999 and 2000 when the former mayor of Bishkek and leader of the Ar-Namys (Dignity) party were arrested; subsequently, Daniyar Usenov, leader of the People's Party of Kyrgyzstan, was arrested and all but removed from the political stage. These antidemocratic processes accelerated during the run-up to the October 2000 presidential elections and were accompanied by attacks on the independent press.

Politics also play a strong role in media in Kyrgyzstan. Although independent media are generally better developed in Kyrgyzstan than elsewhere in Central Asia, government-controlled and funded television and radio stations dominate the broadcast media. Most private stations rent airtime from government-owned frequencies, which often leads to tense relationships with the government. The independent Osh TV (which broadcasts in Uzbek), for example, has faced difficulties since 1997 when all private stations had to reregister with a newly formed government communications agency. The government forced Osh TV to change its frequency, which leveled enormous costs onto the station and fractured its audience. More recently, the government has taken measures to control the content of programs broadcast by other private stations such as TV Pyramid.

Media Sustainability Index - Kyrgyzstan



Scoring System

0 = Country does not meet indicator; government or social forces may be actively opposed to its implementation.

1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.

2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.

3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.

4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

Above 3: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government not fully supportive

0-1: Country meets few of indicators and government/society actively opposing changes

In the print media sector, the government has acted even more boldly against independent outlets. A state-controlled company, for example, recently bought out *Vecherny Bishkek*, a widely read independent daily. In addition, the popular Bishkek weekly *Delo №* was recently fined an enormous sum for alleged tax law violations after the paper ran a series of articles in support of an opposition politician. Many more papers, including *Respublica* and *Akyiktam*, have also been pressured with sudden tax inspections and, in some instances, the government made accusations of libel. *Asaba*, one of the few opposition newspapers published in the Kyrgyz language, has been completely liquidated.

The availability of news to citizens remains spotty and is sometimes nonexistent. Although news sources are widely available in Bishkek, people living in the regions have limited access to media. While the authorities have not attempted to restrict people's access to information sources, many media outlets grapple with inadequate printing facilities and the inability to operate as professional businesses due to state control of printing houses and distribution channels. Anemic advertising revenue, moreover, makes it extremely difficult for independent media to sustain themselves financially. Subscriptions barely cover even the basic costs of running a newspaper.

Overall, panelists were skeptical about the current state of media and freedom of expression in Kyrgyzstan. Most agreed, moreover, that the situation is not improving but worsening. Although there is some self-censorship in the press, this is not caused by direct political pressures as of yet. However, editors often act without coercion to discourage coverage of topics known to be sensitive.

Attribute #1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

The laws protecting freedom of speech in Kyrgyzstan are compatible with international standards, but as with other Central Asian Republics, there is little or no enforcement of these laws. The current enforcement practice, in fact, aims at neutralizing the democratic orientation of independent media. Most panelists blamed executive officials for distorting the laws, and several felt that the officials are being summoned “to the top level” and instructed on what to prohibit and what to allow. As one participant explained: “They [public officials] are guilty of distorting the laws. It seems they have their instructions, saying ‘this should be prohibited, this should be stopped, this should have a veto.’”

In the early 1990s, all public officials were “open” to the press and willing to provide nearly any information. After 1995, however, they began to “close themselves up” as a panelist put it, a process that became particularly strong during and after the elections in 2000. One panelist explained the predicament of journalists as follows: “We live in the times of testing, of making errors and experimenting. It’s a pity that all these state experiments are conducted on our people. When the laws were drafted and the journalists’ rights regulated, the officials assumed that there would be tests and errors. And as an additional safeguard, they created special mechanisms that practically limit the possibility of speaking out and obtaining [public] information.”

In further discussion about access to information, the participants explained that two distinct types of information exist in Kyrgyzstan, for which there are different levels of access. First, there is information on the daily life of civil society, which is open to all and is easily obtainable; second, there is information from the government, which is a closed channel. In general, no information from the government channel is available for anyone; in fact, participants noted that the nonprovision of information is not specific to independent media. In Kyrgyzstan, press secretaries often do not make contact with the press or inform journalists of what is happening in the government. In fact, the press secretary himself is sometimes unaware that the president is traveling.

Although two representatives of the press asserted that letters and reader feedback lead them to believe that the public supports freedom of speech, other panelists mentioned that citizens are often afraid to express their views because of threats by public officials or fear of libel charges. One discussant noted that “People are now afraid of reprisals, because they are summoned to the court together with us [the media]. [In court,] everything is blamed on [the media], and we have to pay huge fines. We have turned into a country where people are resorting to leaflets. Because they know that if they approach a paper, they will be dragged to court. It’s better to print and disseminate an anonymous leaflet.”

In the area of licensing, regulatory power has not yet become a means of applying pressure on the media, but the situation is becoming more precarious. Specifically, there are signs that executive officials are going to force newspapers to go through a re-registration process with the clandestine purpose of creating

obstacles for independent papers. Furthermore, it appears that independent TV and radio stations may soon be forced into bankruptcy due to exorbitant licensing fees.

In the courts, libel laws have frequently been used against journalists. One panelist explained that over the last three years, “there have been murders, arrests, imprisonment, and penal colonies.” Among the journalists charged with libel are Zamira Sydykova (Editor-in-Chief of *Respublica*), Victor Zapolsky and Svetlana Krasilnikova (of *Delo №*), and journalists from *Asaba*.

In general, journalism as a profession in Kyrgyzstan is accessible, and the government does not impede young journalists. The quality of journalism education is low, however, and laymen often teach future journalists. Although international organizations provide assistance in journalism training, this is insufficient due to the tremendous size of the problem. As some panelists noted, the Internet is the only channel that public officials are not yet trying to control.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

Most panelists asserted that in print media, the government controls regional and local papers. In Bishkek, however, there is competition and sometimes conflict between the independent and state-owned press. One panelist characterized the tension as follows: “What we have here is the following: if the state-owned newspaper scolds somebody, the independent newspaper does the opposite. It’s very difficult for the reader to decide who is right. If a journalist writes an article supporting a representative of the opposition, he will have a conflict with the editor-in-chief ... and will face the decision of whether to leave or to stay.” In this context, the panelists considered the “independent press” to include not only publications, but also TV and radio stations broadcasting from Bishkek.

At the same time, authorities created what they call an “independent” press to counterbalance the truly independent press. One panelist noted that, “as soon as the authorities felt that the independent papers were starting to gain strength, they started creating other “independent” newspapers to counterbalance them.” This tactic seemingly creates diversity and, consequently, freedom of speech. These pseudo-independent newspapers, which use the “scissors” technique (cutting, pasting, and reprinting articles from other papers), usually have no more than three staff members and sometimes no professional journalists. This kind of newspaper, funded by unidentified people and organizations, creates a false appearance of pluralism while discrediting the true independent press and hindering its development.

According to the panelists, the professional standards of regional and local papers are very low. In most cases, these newspapers merely reproduce materials from the national and Commonwealth of Independent States (CIS) newspapers without identifying the information source. Materials and information in the independent media, however, are usually crosschecked twice; *Radio Azattyk* (Radio Free Europe) crosschecks its information three times.

Nearly all panelists acknowledged that the country badly needs a code of ethics for journalists. Although the public association of journalists recently accepted a code, it is generally ignored. The panelists also noted that journalists in the state-owned press are frequently bribed to write articles, this practice is less frequent in the independent press.

There is self-censorship in the press, but this is not caused by direct political pressure as of yet; rather, editors simply publish conservatively in order to avoid direct coercion from the government. One journalist noted that self-censorship “regulates the flow of advertising; it regulates the activities of tax inspectors through rental payments, printing costs. This is in effect disguised censorship by the government. Sometimes we have to join in the game in order to retain our periodicals and be able to work.” In many cases, advertisements are removed because the advertiser was under pressure from the government. Panelists mentioned that journalists feel compelled to ignore stories about drug-related crime, the oil business, and Kyrgyz-Uzbek relations.

Salaries in journalism are rather low and uncompetitive, which also contributes to the poor quality of journalism in Kyrgyzstan. The salary provided by an independent newspaper often cannot compare with the amount of money an individual might offer to corrupt a journalist. As one panelist noted, “the demand for journalists is low. The budget of our paper is such that we can’t afford adequate pay. Therefore, we have to resort to the services of nonprofessional people who sincerely believe in democracy.”

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens’ access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

Panelists agreed that although there are relatively diverse news sources in Bishkek, people in the regions have very limited access to media. One panelist noted, “People living in the regions do not get information. There is a huge gap. All information is concentrated in Bishkek.” Although radio is the most accessible nationwide medium, many people in remote regions do not have enough money to buy radio sets and batteries. Television is the second most accessible news medium, but people in the regions can only receive VHF channels (channels 1-13), which consist of Kyrgyz State TV and two Russian channels (RTR and ORT); private channels, unfortunately, are only received via UHF channels (14 and above). Newspapers are the least accessible medium outside of the larger cities (Bishkek, Osh, Jalal-Abad, and Karakol). Distribution channels are unreliable, and there have been cases in which people are forced to line up to read one copy of the same paper over and over. The Internet is accessible only to a small minority of the urban population. Just 18 percent of the population in Bishkek, for instance, has used the Internet (and 1.5 percent have access at home), and in rural areas the population has no access.

On the whole, editors and publishers in Kyrgyzstan are motivated by serving the public interest. However, the panelists concurred that it is difficult for editors and publishers to act on this principle due to the various constraints and pressures already discussed. The extent to which each individual editor confronts these problems depends on his level of courage. Ultimately, serving the public interest is inhibited by threats to objectivity such as self-censorship and the many forms of government pressure.

News production is performed individually by all the independent TV stations (except Asman TV), along with the independent radio stations Pyramid, Russian Radio, and Europe+. The local radio stations, such as Tatina and Echo of Osh, also have their own newscasts. The authorities often make it clear to journalists which topics they would not want the media to cover. Nevertheless, there are no major differences between the newscasts of the state and private media because there are no independent news

agencies in Kyrgyzstan. The state Kabar News Agency, in fact, is considered untrustworthy by many independent journalists.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

The panel discussion focused on three aspects of this objective: 1) the scarcity of income sources for mass media; 2) the dependence of media outlets on state-owned printing companies and state-owned means of transfer of electronic information; and 3) the dependence of mass media on state-owned means of delivery and distribution.

Panelists were critical of the bad conditions for managing media as businesses. Said one panelist: “I put the lowest score for this objective. A new Tax Code became effective in 1998, and it had very painful implications for us. Before 1998, we had some working funds at least and could operate more or less. Now we are on the brink of bankruptcy, and it’s not only us.”

Inadequate printing facilities also constrain the development of media business management in Kyrgyzstan. There are several private printing houses in the country, but they do not print newspapers, as they are designed to print on glossy paper. All newspapers have to be printed by Uchkun, the state publishing company, which has outdated equipment and the ability to print only in one color. The press has become a hostage of this printing facility, as Uchkun has the power to delay or even cancel the printing of certain issues of a newspaper. As a result, editorial offices are unable to react to market demand quickly enough to issue additional copies of an issue when needed.

Funding of private media in Kyrgyzstan is unreliable and spotty at best. Broadcasters usually get their incomes from advertising, while the main source of income for the press is circulation. One panel member voiced his concern about media profitability: “From an economic point of view, it’s absolutely unprofitable; from a political point of view, it’s unsafe to be independent. Mass media can be self-sufficient only provided there is a market in the country. If there is no free economy, there will be no free press.”

Market development is also hindered by a lack of market research. Several firms, however, are now beginning to establish themselves in the sphere of market research to provide newspapers and TV stations with ratings; these ratings, however, are not really used for managing. One panelist explained, “All mass media conduct market research one way or another with different quality. For any newspaper, any TV station—if you probe the market, you could earn money. But the advertising market in our country is small and poor. You can’t talk about good advertising business and profit making. All newspapers and TV channels hardly make ends meet.”

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

Many weaknesses are present in the infrastructure supporting independent media. Some panelists were even nostalgic for the infrastructure that existed in the Soviet Union, and one noted, “it was nice before. There was the Union of Journalists, which we maintained with our fees. You could get some subsidies from the Union of Journalists—a bonus or something else, when they would organize professional contests. It was done in the Soviet way, but it was good. It was practically a journalists’ trade union.” The only structures that act in the interests of independent media are international organizations, including those for human rights protection. However, as panelists noted, these organizations have little influence on the public of Kyrgyzstan; they only create a minor secondary market, allowing only a small minority of people access to discussions about free media.

Human rights organizations supporting the press are gradually disappearing, as they are subject to the same pressures from authorities as the independent press. They have already stopped participating in the process of drafting media-related laws. MSI panel participants gave the example of the Glasnost Defense Foundation, which actively protected the *Vecherny Bishkek* newspaper during attacks from tax inspectors and the actual seizure of the publication by the Kyrgyzalco Company. In the course of this campaign, the Glasnost Defense Foundation, like the newspaper under its protection, became weaker and stopped being an active NGO. The panelists mentioned only one human rights organization that supports the press in the regions—an organization in Jalal-Abad, headed by V. Uleev.

Some panel members praised the work of international organizations and human rights groups for their work supporting freedom of speech in the country, noting, “[the human rights organizations] send the information from here, and by tomorrow we can receive protests from several of the largest international organizations. Five of the largest organizations [that work for] the protection of journalists’ rights follow up on what’s happening in Kyrgyzstan. They have their own monitoring here.” Others criticized it, however, noting, “they have no influence whatsoever on the local public. It simply creates an informational backdrop. And it’s only up to us to organize protection of the media the way we once organized ourselves to protect the media from censorship.”

All panelists noted the low quality of journalistic training in Kyrgyzstan. Only international organizations provide high-quality training, but they only offer such training from time to time and on a limited basis.

The distribution channels are also in the hands of the state and are of extremely poor quality. Thus, the independent newspapers from Bishkek do not reach the regions; furthermore, these papers cannot afford to establish their own distribution network. In the same way, the independent broadcasters are also dependent on the state transmission systems, particularly those working in meter frequencies (channels 1-13).

According to the panelists, the Internet has remained accessible so far, and it is not controlled by any government structures. However, there are signs that authorities are trying to establish such control by hiking up the prices for Internet access.

List of panel participants

1. Kuban Mambetaliev, Chairman, Association of Journalists
2. Victor Zapolsky, Editor in Chief, *Delo №*
3. Bibigul Dosalieva, Correspondent, Radio Liberty–Azattyk
4. Olga Grebennikova, Public Relations Coordinator, UN Development Program
5. Bolokbay Sherimbekov, Chief Producer of Ala-Too program, KTR
6. Zamira Sydykova, Editor in Chief, *Respublica*
7. Kubat Chekirov, Correspondent, BBC
8. Alexander Kulinsky, Representative, NGO Press Club
9. Andrey Tsvetkov, Director, Pyramid TV

Observers

Chinara Omurkulova, IREX Program Officer, Bishkek
Jaroslaw Martyniuk, Senior Research Analyst, InterMedia, Washington, DC

Panel moderator

Vladislav Pototski, Director, Center for Social & Marketing Research

Macedonia

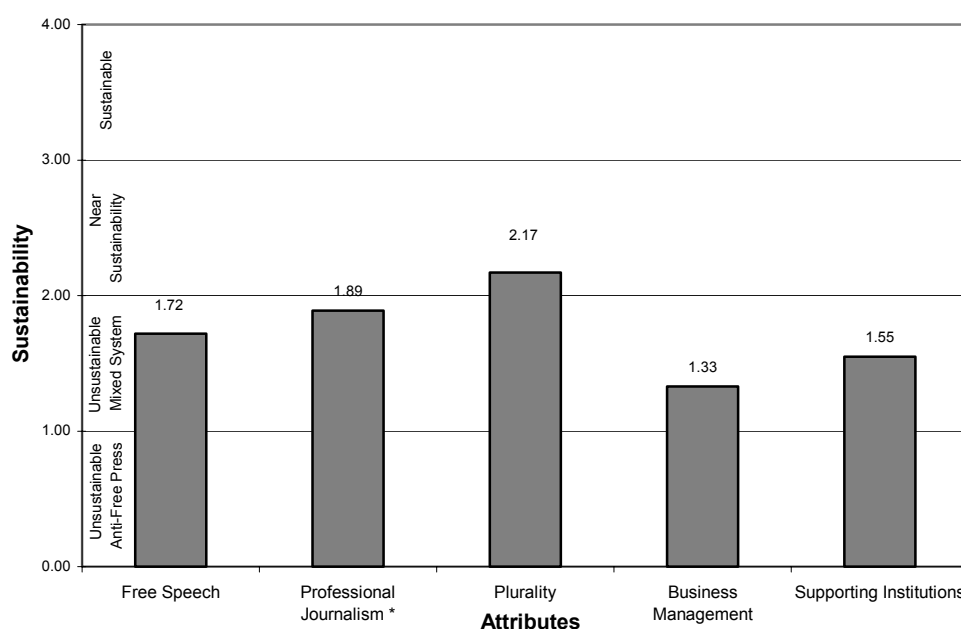
Introduction

Note: IREX has modified the introduction to the Macedonia chapter due to the nature of political changes that have drastically altered the media situation since the panel discussion for the Macedonia study was conducted on May 12, 2001. The scores remain reflective of the panel discussion and IREX's May scoring. This revised introduction provides context for how the situation has changed.

Macedonia is a country that is going through a period of massive upheaval. Since February of 2000, Macedonia has been on the brink of civil war. After months of conflict between armed militants of the (ethnic Albanian) National Liberation Army (NLA) and Macedonian Government forces, a political settlement was struck. The deal, known as the Framework Agreement, was brokered by diplomats from the United States and the European Union and was signed in Ohrid on 13 August 2000 by leaders of the country's four main political parties. At time of writing that deal, and its concomitant constitutional amendments, have still not been ratified formally in parliament. Future armed conflict cannot be ruled out despite a cease-fire which has held (largely) since mid-August 2001.

The conflict has changed, probably forever, the political and social environment in Macedonia. It has also dramatically affected the country's media. This report must be taken in the context of the tremendous changes taking place in Macedonia. The report is largely based on a Focus Group study carried out on May 12, 2001. The report is still very relevant and gives a valuable insight into the media scene in Macedonia. However, since the Focus Group study the media in Macedonia has split on ethnic lines, and the degree to which the conflict has affected the media has increased almost exponentially. While the divergence of the media has stabilized to a degree since the signing of the Framework Agreement, and while there have been a number of initiatives aimed at re-building bridges between the two communities, it is true to say that the Macedonian language media and the Albanian language media report as if they were in two different versions of the same reality.

Media Sustainability Index - FYR Macedonia



* Please see introduction regarding significant changes in Professionalism since May 2001.
The rating above is based on May 2001 Research.

Scoring System

- 0** = Country does not meet indicator; government or social forces may be actively opposed to its implementation.
- 1** = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.
- 2** = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.
- 3** = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.
- 4** = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

Above 3: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government not fully supportive

0-1: Country meets few of indicators and government/society actively opposing changes

At the beginning of the conflict the reaction from the media was encouraging, generally the reporting was fair and balanced from both of the main language groups. There were no obvious attempts to manipulate the conflict for political gain. The government also appeared to be reasonably responsible and fair with regard to the media. This view was echoed by an Organization for Security and Cooperation in Europe (OSCE) report dated March 27, 2001, which “welcomes the restraint and responsibility of the media in Macedonia” in reporting the current conflict. Since then the situation has deteriorated rapidly. At the peak of the conflict in the Summer of 2001, the Skopje-based private Macedonian language TV station Channel 5 broadcast a news report which included a stand-up where a reporter fired a piece of Macedonian artillery toward NLA positions near Kumanovo. The Macedonian Association of Journalists’ (MAJ) “Court of Honor” encouragingly condemned the report, and the reporter apparently realized her “mistake” and was very embarrassed by her report. The Forum of Young Journalists however, criticized the MAJ for criticizing Channel 5.

There have been many serious cases of misconduct on the Albanian media side as well. A report broadcast by the Tetovo-based Albanian language TV Station TV ART showed NLA fighters parading, followed by an interview with a local NLA commander. There was no commentary by the journalist. The journalist’s questions were edited out of the interview. TV ART said this was in fear of reprisals (they didn’t specify from whom). The result was a short report that was in essence not a piece of journalism at all, but effectively free air time for the NLA, with no analysis, critique or balance. Again, when challenged TV ART was embarrassed and apologized and appeared to realize the error. Both cases, though, while they can be attributed to naivete and lack of experience highlight the degree to which the conflict has become dangerously personalized amongst working media professionals in Macedonia.

The private, national Macedonian language A1 television has until recently claimed a significant Albanian viewership. The station is generally regarded as the most professional broadcaster in Macedonia. In August 2001 A1 appeared to change its editorial policy. The station had remained reasonably fair and balanced, and run interviews for example with the leader of the NLA, Ali Ahmeti. But Aco Kabranov, the Editor in Chief, has been quoted as saying that A1 came under tremendous pressure following the broadcast of such interviews. The broadcasts are generally considered to have shifted away from the “middle ground” to a more “Macedonian” perspective. There have been anecdotal reports from many media outlets that companies have threatened to cut advertising on stations if they continued with reporting they considered “unfavorable”. A similar change toward a more nationalistic, pro-ethnic

Macedonian editorial stance has also been observed in the leading independent daily Macedonian language newspaper, *Dnevnik*.

Since the terrorist attacks on the United States on September 11, the Macedonian media has run a number of stories alleging a direct link between Osama Bin Laden and the NLA. The Albanian media has vehemently denied the truth of such allegations. The independent daily *Dnevnik* and *Fakti* exchanged articles where each paper accused the other of striking a political agenda. Relations between the two papers have seriously deteriorated. This is especially disturbing considering that only in March, *Dnevnik* published an editorial by *Fakti's* editor, Emin Azemi, as an attempt to put across the views of “moderate” Albanians and to calm the situation as it was then.

There have also been initiatives by members of the media, acting partly as individuals and partly as media organizations to play a role in the political process. The two most striking examples are: Members of the Macedonian media, *Dnevnik*, *Zum*, *Vest*, *Nova Makedonia*, *Fokus*, *Vecer*, *Sitel*, *Kanal 5* and *A1*, organized a protest called “Go obavme bostanot”, or “Watermelon Harvest”. It was an attempt at a satirical parody of NATO's “Operation Essential Harvest” (where NATO soldiers collected weaponry from NLA fighters as part of the disarmament process under the current peace agreement). Members of the public were invited to deposit “weapons from their homes”: fruits, vegetables and old plastic toys, in front of the Parliament buildings to protest the NATO mandate and the type of weapons expected to be collected from the NLA.

Dnevnik's editor-in-chief Branko Geroski organized a protest walk to the monastery of Leshok in late August. Leshok had been destroyed in mysterious circumstances during the conflict. A number of people joined the protest at a highly sensitive moment. Forces from Essential Harvest stretched their mandate to “police” the protest and successfully prevented any serious disturbances. If they had not done so it is possible that the event could have triggered a serious and violent incident with far reaching consequences. These activities clearly demonstrate the difficulty which individual journalists, media managers and media personalities are having in separating their professional lives and professional responsibilities from their own feelings and emotions during these troubled times.

The fighting in the hills above Tetovo resulted in a number of private Albanian- and Macedonian-language broadcast transmitters being damaged; they were unable to broadcast effectively during the conflict. The consensus is that the damage to the transmitters was a consequence of the fighting and not necessarily a result of direct targeting by either side to prevent transmission by private broadcasters. The truth will probably never be known. The international community has paid for replacement transmitters to be installed in Tetovo.

A consequence of the conflict was the government's reopening of the debate over the founding of MRTV3, a proposed third channel of Macedonian State Television devoted to minority language broadcasting, with a heavy bias towards the Albanian language. The issue was raised in Prime Minister Georgievski's televised address to the nation at the beginning of the conflict as a means of satisfying one of the demands of Albanian population and the NLA. It is not yet clear whether the channel will start broadcasting.

Two other developments deserve mention: a law on public information, and the wiretapping scandal. The government unexpectedly tried to force through a draft law in early February 2001. It was potentially a very serious restriction on the freedom of media, including for example a government-run registration of journalists without which they would not be able to work. Following a vigorous campaign by international and local NGOs and local media, the law was withdrawn, but the government is still planning, supposedly as part of its ratification with the European Union, to introduce a Law on Public Information.

The wiretapping scandal broke out in early February, and involved allegations by the opposition that the government Interior Ministry tapped telephone conversations of leading journalists, opposition politicians, and foreign diplomats. The conflict has taken the wiretapping scandal out of the headlines and also forced the four major political parties to work together in a “coalition government of national unity,” which is likely to last until the next elections. However the scandal highlighted violations of fundamental rights and freedoms of journalists (and politicians). There is no reason to expect that such practices have stopped or may not occur again. No instruments to prevent a repetition of such violations have been put in place. A number of journalists have filed lawsuits against the Interior Ministry over the alleged wiretapping.

Attribute #1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

Article 16 of the Macedonian constitution guarantees the freedom of speech. The most recent attempt to pass a law on public information was in February 2001, but it failed under subsequent local and international pressure. It was a draconian law and would have seriously inhibited freedom of speech. The government still plans to introduce such a law, which it argues is required as part of the process of ratification with the European Union. There are some attempts to make the process of drafting the next law more transparent, and to consult with local and international legal and media experts.

The MSI panel had mixed opinions about the degree of freedom of speech in Macedonia. The lawyer on the panel said legal protections for free speech exist now, but had also existed in the old socialist system. He mentioned that socialist-era laws still on the books overlap with laws introduced since 1991 and create confusion. For example, when the Law on Broadcasting was introduced in 1997, some broadcasters had licenses under the old system and some under the new. He thought that proper implementation of current laws and the constitution would sufficiently enhance the protection of free speech. The majority of the panel disagreed with the lawyer. They said that, had the law been implemented, it would have seriously impeded free speech in Macedonia: “Any new Law on Freedom of Speech will be misused, i.e. it will restrict freedom. Anyone who comes to power will try to abuse this type of law.” The panel majority also stated that Macedonia lacked legal protection of free speech, and what protection does exist is threatened.

While the panel majority felt there was a need to enhance the legal protection of free speech, one participant (a TV journalist) said that the passage of any additional laws would most likely result in further restrictions on freedom of speech. Members of the international community on the panel stated very clearly the strong need for a law regulating the access to information in Macedonia. The OSCE representative emphasized that such a law would oblige the government to make information available to the public and the media. “One of the reasons why we need such a law is the confusion regarding the obligations of the state. When the obligations of the state are known, there will be some restrictions.” The panelists agreed that there are relatively few examples of violations of freedom of speech. While legal protection exists to a degree, the inefficiency of the courts (a recurring theme) means that these laws were not effectively implemented. In the rare instance of a journalist being prosecuted, the court process takes too long to have any real effect; therefore the journalist is not sentenced. However, the panelists

agreed that when prosecutions involving free speech occur, they are usually an attempt to threaten or intimidate journalists, or a cynical attempt to seek publicity.

The licensing of broadcast media is neither fair nor apolitical. The governing body in charge of licensing, the Broadcast Council, is influenced by the government of the day. Despite the fact that the terms of the members of the council are staggered, and appointments are made by the parliament, in reality the body acts largely to please the government. Furthermore, its final recommendations for licensing must be approved by the government's Ministry of Telecommunications. One possible instance of political manipulation concerns the public service announcement fee. The Broadcast Council "gives" 10 percent of the broadcast licensing fee to private broadcasters in return for public service programming. In the most recent allocation of the 10-percent licensing fee, the government for the first time changed the list of recipients recommended by the Broadcast Council. Because the system is not transparent it is hard to discover how recipients qualified, but there is a clear sense in the media community that the government favored those outlets least critical of its policies.

The panel agreed that some broadcast licenses are granted for political reasons. The participants stressed that the procedure itself, as formulated in the law, does not provide a fair and transparent legal process. "When it comes to issuing licenses to the Albanian language media, closeness to the Albanian political parties is the most important thing. Panelists stressed that the major reason behind irregularities in the granting of concessions is corruption (bribery). The panel also believed that the president of the Broadcast Council had too much power (the president is elected by parliament for a seven-year term.)

Private media are taxed in the same way as other private businesses. But they do receive some funds from the government in a manner that is neither transparent nor well regulated, and that allows political manipulation. The Broadcast Council "gives" 10 percent of the license fee to private broadcasters in return for public service programming. As stipulated by the broadcast law, each broadcaster proposes public service programs, which are then vetted by the Broadcast Council. Then, a list of successful applicants is prepared with a recommended payment for government approval. The programming is generally educational and cultural material. As seen in November 2000, the current law allows the current government to change the proportion of the 10-percent tax that each broadcaster receives, and to change the list itself. The print media receive funds from the state budget via the government's Agency of Information under an old socialist law. The decisions come directly from the government: the Agency of Information, along with the Finance Ministry, merely administers the distribution of funds. Discussion on market entry and tax structure was brief, with all panelists agreeing that the media are not singled out in any particular way through taxation and business regulations. They agreed that market entry and the tax structure was fair compared to other industries.

In the past year there have been some physical attacks on journalists, particularly during the local elections in November 2000, and during the more recent clashes with the NLA. The attacks "allegedly" were politically motivated. In November of 2000 a local radio journalist in Kocani was attacked for broadcasting an opposition Social Democratic Alliance of Macedonia (SDSM) announcement. There was no official investigation of the incident. In the same period in Strumica a transmitter belonging to the privately owned TVVIS was destroyed; again the allegation is that this was the work of government sympathizers, though there has never been any proof. In the March conflict with the NLA in Tetovo, a journalist from privately owned A1TV was roughed up at a demonstration. These incidents were not vigorously investigated. Furthermore, the recent allegations that journalists were wiretapped by the Interior Ministry have not been resolved. The panel agreed that there are attacks against journalists, but these attacks do not occur frequently, especially not physical attacks. Verbal attacks and condemnation or criticism by politicians are much more frequent, and the public and the media community generally condemn these attacks. However most panelists agreed that subtle, hidden pressures are brought to bear against journalists.

Public media are state-owned, with senior management appointed by parliament. This leads to direct political appointment of the general managers of Macedonian Radio and Television (MRTV) and the state newspapers. Journalistic qualifications are not a major factor in the appointments, though to date all the appointees have had some journalism experience. MRTV is a government mouthpiece, with the Albanian-language component being a mouthpiece of whichever Albanian party is in the current governing coalition. The panel agreed that the law does not specifically give advantages to state and public media over private media when it comes to access to information. However, the panel agreed that the interpretation of laws has at times favored the state media. Some participants stressed that local authorities control local public-media outlets even more than government controls state media. The member from the OSCE stressed that the legal transformation of MRTV from a state to public service broadcaster is not yet completed; the panel agreed.

Libel in Macedonia falls under the criminal code, but journalists are rarely prosecuted for libel. The panel agreed that current libel laws are largely ineffective. Few cases are prosecuted and when fines are given they are not overly punitive. The court procedure in Macedonia is inefficient and slow and nobody takes being sued particularly seriously. Yellow journalism is a problem in Macedonia. For example, recent allegations were published in *Vest* newspaper of smuggling activity by the head of the EU in Macedonia, Mr. Texheira: no hard evidence or reliable source was given for the allegations. In the criminal code public figures are responsible for their actions, but in reality they usually go unpunished, or simply lose their political position. There are no documented cases of corruptions of judges or prosecutors dealing with libel.

Access to public information is a problem. State media have easier access than private media. There are no clear definitions of what constitutes a state secret or public information. Attempts are made to address this in the draft Law on Public Information. At the local and national levels the culture of government is not to release or make available even the most innocuous information (such as tendering for municipal projects, tax revenue, etc). State and public institutions are very closed and centralized; requesting information is a lengthy and difficult process. Discussion on access to information was animated. The panel agreed that there was no real discrimination between public and private media in terms of access to information. Public officials, they claimed, are utterly unaware of their responsibility to provide information. "Most of the politicians that I know are not aware of their obligation to share information with the public. Perhaps only 10 percent of the politicians that I know think differently."

The panelists agreed there were no specific legal restrictions on access to information, but that the authorities were not obliged to make public information available to the media and citizens in general. They commented suggested that the overall tendency of Macedonian society and officials at all levels was to resist giving access to information. Although there is a procedure to obtain official information, it is slow and difficult. Interestingly, the panel felt that journalists were not singled out for denial of access to information due to the nature of their profession, but that they were treated "as badly" as anyone else seeking information.

Access to international news and sources is currently unrestricted. Internet access is relatively cheap and easy to obtain. Journalists can use international news and Internet information as sources, but they rarely do. The last draft of the law on public information, however, included a provision for a government body to grant licenses to journalists, both local and international, which would have imposed significant restrictions on the ability of international journalists to work in Macedonia. Concerning access to international news and sources, the panel could not point out any state-imposed limitations. The only barrier mentioned here was cost, though generally people felt that access to the Internet was cheap enough. Satellite TV was also considered cheap enough, and largely unrestricted. Rebroadcasting of foreign programs is allowed. It was mentioned that international newspapers are expensive and therefore largely unavailable, but this was seen as a result of their market value and the weak Macedonian economy.

All the panelists agreed that, to date, there are no limitations on entry into the journalism profession. On the contrary, as a result of the large number of media outlets and the high demand for journalists, it is relatively easy to become a journalist in Macedonia. However, the quality of journalists and journalism remains low. In February the government tried unsuccessfully to introduce a law on public information with provisions to allow the state Agency of Information to issue journalists' licenses, without which they would not be able to work. The group expressed fear that some elements in the government still hope to introduce similar restrictions.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

Generally, journalism in Macedonia is not very sophisticated. Professional standards are poor. Journalism tends to be fair, although there are incidences of bias. Political reporting is often one-sided and subjective, with no clear separation between news and commentary. Journalism is, on the whole, poorly researched and sourced. This is largely caused by the lack of professionalism and training among journalists, and the political polarization of most outlets.

The panel agreed that quality of reporting varied widely, ranging from reasonably fair, objective, and well sourced to very poor and biased. Much depended on the media outlet and its particular political/business affiliation. Some in the panel argued that the main problem in sourcing stories and quoting sources was the unwillingness of sources to be named. Panelists agreed that generally, private media are more objective than the state-owned, and stressed the importance of media plurality in Macedonia in providing objectivity. They argued that the huge number of media outlets, and their variety of political and business affiliations, meant that the discerning viewer or reader could get an objective view.

A journalists' code of ethics, prepared by the socialist Journalists Association, does exist in Macedonia, but the panel unanimously agreed that it is largely worthless and ignored. There are encouraging moves on the rebirth of the Association, which has spoken out against unethical standards, and which has plans to draft a new code. Most participants agreed that there are examples of journalists accepting cash or goods in return for amending the editorial line of their work. But they felt that, on the whole, the acceptance of bribes by journalists is rare.

Self-censorship is a problem, and most of the panel agreed that it is a very serious one, especially in the state media. The consensus is that in state-owned media, journalists and editors closely follow the editorial view of the political party controlling that sector of state media. In private media the motivation for self-censorship was largely economic. As a panelist said, "From outside it seems that there is more censorship in state media, but there is censorship in private media: it is simply more sophisticated." For example, private media won't criticize a company that supports them or advertises in them. There are no written rules dictating editorial policy in either state or private media, but the rules are well known all the same. Journalists and editors rarely admit to self-censorship, but it is anecdotally reported in the journalism community. However, the panel believed that the plurality of Macedonia's media allows a journalist who feels censored in one outlet to seek alternative outlets for his/her journalism. Some also said that if a story were powerful enough, most private media would carry the story despite any conflicting editorial policy.

The panel quickly agreed that, in general, media cover key events. The only barriers to major events and issues are the economic weakness of individual outlets. The discussion then focused on the current political and military conflicts in the region. The panel agreed that major events were covered, but unlike foreign and international media, local media could not afford to send correspondents and reporters to all the scenes of conflict. Panelists agreed that “Whether events are covered depends on money, on the financial power of the media outlet and not on its ethnic or other background.” The panelists condemned the quality of reporting by Western media during the current political/military crisis.

The average salary for journalists is 300 German marks per month, which is roughly comparable to the national average. (National pensions vary from DM200 to DM600 per month.) Few journalists are well paid in the print or broadcast media. Obviously, the bigger and more successful outlets pay best and attract the best journalists. Panelists agreed that incomes are generally not high enough to prevent corruption. There is significant variance between pay in the regions and pay in Skopje (the capital), with the latter being higher. More serious, perhaps, is the variance between the country’s minorities: Albanian language outlets usually pay less than Macedonian ones, and private Roma outlets pay even less. (The independent daily *Dnevnik* has occasionally employed a small number—less than 5—of Albanian journalists, but no longer does so. There are no official restrictions on employment of minorities but social pressure acts as a barrier.)

In broadcast media, entertainment programming does to a degree eclipse news and information programming, not so much by taking time away from news, but by disrupting news broadcasts with advertisements and promotions. This is largely a result of many broadcasters in Macedonia not being serious media businesses with serious programming. More serious outlets do focus sufficiently on news programming (for example A1TV, TVSitel, and Kanal 77 radios). News and information programming are not neglected; in fact some panelists felt that they dominate the rest of programming, during the current crisis in the region.

Most of the broadcast media in Macedonia are poorly equipped, inhibiting effective newsgathering and production. There is a tendency to complain of a lack of modern digital equipment, lack of cameras etc., but much could be done to make a better use of existing equipment and resources. The panel felt that generally the electronic media are poorly equipped, though there are notable exceptions such as A1 television. The print media are viewed more favorably, though print media journalists claimed serious problems with printing and distribution. There was a call for resolving the problems in print distribution with the formation of a united distribution system. Currently, rival private distributors disseminate the same publications on the same routes to the same destinations, while competing with the large state distribution system.

The panel member from the Roma community (TV Sutel) said that small, private, local media serving the minority communities (specifically Roma) face the biggest financial challenges. He also said that the local TV stations were very poorly equipped, and that this is a barrier to the production and gathering of news and information.

The panel quickly agreed that niche reporting, in particular investigative reporting, is virtually non-existent as few media can afford the luxury of effective investigative reporting (though A1TV, *Dnevnik*, and some of the bigger outlets have some journalists specializing in economics and politics). There are some specialist magazines: *Kapital* is a weekly economics and politics magazine. There is no formal training in specialized fields for journalists, apart from what is provided by international donors. The panel said the major causes were lack of personnel and funds.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

There are plenty of news sources for Macedonia's population of two million, with approximately 30 public and 111 private broadcasters. There are 11 daily newspapers and 21 weekly publications, and 20 monthly and periodical publications. The license fee is relatively high (at DM7 per month it is about 3 times higher than in Britain for example, relative to yearly incomes), but access to television and radio is not seriously affected. Television is still the primary news source in the country, because televisions (and radios) are cheap and common, and many people (40 percent of the population) do not pay their license fee. Printed publications are relatively cheap with most papers sold for 10 denars (the price has dropped from 1995 when a paper cost 30 denars). The panel unanimously stated that at current prices newspapers are affordable. They also agreed that, similar to (and no worse than) most Western countries, rural populations were not major consumers of newspapers and printed media in general. Panelists thought that both print and electronic media focus on urban populations.

Access to international satellite and Internet news is not restricted. Internet access is readily available in Internet cafes across the country and in some libraries and secondary schools. Internet access is not prohibitively expensive and one company has recently started a pre-paid card service, at about US\$16 per month. The use of the Internet is also concentrated in the cities, but some small towns or villages that have Internet cafés. Some panelists commented that the cost of Internet access is high for the average citizen.

Access to international publications is not restricted, though they are relatively expensive and largely unavailable outside of Skopje. All panelists agreed that there are no significant restrictions of access to domestic or international media. The biggest obstacle for purchasing foreign newspapers is their market price, which, due to the poor economy, is too high for the average Macedonian. "A foreign newspaper, for example the *Financial Times*, costs DM6, and a domestic newspaper costs one third of a deutsche mark," said one panelist.

However, one of the participants said an old law from the socialist era still applies to the import of newspapers, and under it the Ministry of Interior issues licenses for the import of newspapers. In the past ten years, this law has been used twice to block the import of newspapers: once from Bulgaria and once from Albania. The lawyer on the panel stressed that according to Macedonia's criminal law, no one has the right to prevent the free distribution of newspapers.

State news outlets, print and broadcast equally, are considered to be a mouthpiece of the government coalition. Influence is achieved through sidelining editors and journalists who do not follow the editorial line dictated by the government-appointed management. The panel unanimously stated that state media are anything but non-partisan and do not serve the public interest. Some panelists also strongly criticized the quality of cultural programming in the state-owned media, saying that private media do a better job. There are only two news agencies in Macedonia, the state-owned Macedonian Information Agency (MIA) and the private MAKFAX agency. Both gather and distribute news to their paid subscribers from the broadcast and print media. Services are affordable and used by the media. The panel agreed that

MAKFAX is fairly reliable and sensibly priced, and they expressed regret that there was only one private agency. The state-owned agency is viewed as a mouthpiece of the government. Independent broadcast media produce their own news programs. The quality of reporting is not very high but information is disseminated. There are a number of private stations that broadcast nation-wide: two TV stations, —A1 TV and TV Sitel, and two radio stations, Kanal 77 and Antennae 5. The panel noted that under Macedonia's broadcast law and licensing system, broadcasters have a clear obligation to produce their own news programs.

The panel stressed the huge difference between the quality of news programs when comparing public and private media. Generally, private media produce better and more independent news. However, they were criticized for being influenced by “big businesses” and the political affiliations of media owners. In addition, the majority of the panel agreed that few private media outlets are truly independent. There is little or no transparency of media ownership; however, the public is reasonably well informed about the political leanings and affiliations of broadcasters and publications, and is able to judge the information accordingly. Media ownership is not concentrated in a few conglomerates, but big companies own the strongest and most developed media. A1 TV is owned by UNIPROCOM (a Macedonian trading company), TV Sitel is owned by SILEKS (a Macedonian mining and trading consortium), and MakPetroil owns TV Telma. The panel agreed that there is no great secrecy over the ownership of private media. Foreign and domestic panelists disagreed somewhat regarding whether and to what extent media owners interfere in editorial policy. The domestic participants gave examples of owners who do not interfere in editorial policy. The foreign nationals were clearly not convinced.

A relatively broad spectrum of social interests are reflected and presented in both private and public media as a consequence of the large number of publications and media outlets. State-run TV, radio, and print cater to a limited degree to minority needs. There is a fair number of private minority language media, but their quality and facilities are poor. However, the panel agreed that Macedonia's media are divided along ethnic lines. Individual media only focus on their own ethnic group's social issues. Albanians who work in private Macedonian media can be counted on one hand, as can Macedonians working in Albanian media. This is considered to be more a social issue than a consequence of editorial or managerial policy. The lawyer in the panel described language in the media as “self-limiting,” meaning that by sticking to just one ethnic group's language, the individual outlets were limiting their outreach in the Macedonian market.

The panel said that journalists generally resist any efforts to prevent the coverage of particular social interests. But the participants also said that businesses or organizations avoided buying time or space for advertising if they were not in favor of an outlet's content. During the current crisis Albanian broadcasters have lost a great deal of advertising, which they claim is the result of their ethnicity and program content, rather than economic conditions.

The panel agreed that there were no legal barriers to starting and running any media in the language of any particular ethnic group, but it agreed that the financial barriers for the smaller ethnic groups were significant. The equipment and production levels of Roma media are generally of lower quality than other outlets. The journalist from the Roma Sutel TV stressed that the Roma journalists are more frequently asked for accreditation at media events than the other journalists, adding that the Roma media are often not invited to attend press conferences by the major political parties. He saw this as clear discrimination against Roma media.

The panel also agreed that news bulletins provided by state broadcasting in the Roma, Vlach, and Serb languages are effectively unavailable for the majority of their target audience, because they are disseminated only once at midday.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

Distribution and printing firms are struggling to be profitable and are not efficient. In distribution there are too many rival firms for such a small and unsophisticated market. The state distribution system of *Nova Makedonia* is the best, but even it is being run inefficiently. The government is in the process of privatizing *Nova Makedonia*. The relatively low cost of newspapers and magazines and the weak advertising market makes it hard for publishers to meet their overheads, a large chunk of which is taken up by printing costs. Most of the panelists agreed that newspaper printing costs are too high, though others argued that the price of newspapers is too low to allow profitability. While there are enough printing houses, many are not profitable and this is linked to the low price of publications and the immaturity of the advertising market: “The printing houses are profitable, which does not mean that media outlets in general are profitable.”

The media market in Macedonia is unsophisticated and undeveloped. Media receive revenue mainly from advertising, direct sales, political or business patronage, international NGO support, and government support. All panelists agreed that for the private media, although there are a wide variety of sources of funding, the majority of revenue was received from advertising. The panel thought that there was actually too much dependence on advertising, and noted the small number of advertisers. As a result of the direct contact with political parties and the business sector, advertising revenue usually goes to the highest bidder from the media. In deciding where to place advertisements, businesses often base their choice on a media’s political affiliation, rather than on sound market research.

There are only a few professional advertising agencies, but the number of advertisers is also small. A few panelists stressed that the collection of payments for ads is a common problem (exacerbated during the current crisis). Several panelists observed that advertisers are pulling out of Macedonia in general, and some suggested again that local advertisers are withdrawing business as a result of increased ethnic divisions within society. The representative of TV Sutel said that regardless of the current situation his TV station has persistently found it very difficult to attract any advertising as a result of his station’s ethnicity.

The panel agreed that private media receive funds from the government: the broadcast media via the 10-percent broadcast tax “rebate” for public information programming, and the print media via a direct subsidy from the state budget. The amounts given in both cases can be significant. The panel was unanimous that in both cases, the process by which media are selected to receive funds and in what amount is both flawed and nontransparent.

Market research is used in some of the bigger outlets, but its use is not widespread and the information, the panel stressed, is not trustworthy. The companies appear reliable but the surveys are not sophisticated or representative enough to yield good results. Circulation figures are neither reliable nor politically independent. A number of publishers (state and private) release their own figures for distribution, and these by their own admission are not accurate. There was a general feeling on the panel that the lack of sophistication of the advertising market meant that research was largely unnecessary. However, it was mentioned that the leading private television broadcaster in Macedonia, A1, does carry out its own research.

The panel spoke positively of the market research group Strategic Marketing and the Institute for Sociological and Juridical research in Skopje. But confidence in collected data is quite low. Research is carried out on an ad hoc basis with little or no cooperation between media outlets and the research agencies. The panel did not suggest that there was any direct government influence on the quality or type of research carried out.

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

Trade associations do not yet fully represent the interests of private media owners, although positive developments are taking place within some trade associations. The Macedonian Institute for the Media (MIM) recently opened officially (April 2001) with a very clear mandate and a transparent structure. MIM, a multiethnic organization, is a center for mid-career media training, and hopes to coordinate donor activity in the country. There are other encouraging associations: the Lawyers Network under the Media Center is in the process of registering. The Ecological Press Center is actively promoting environmental journalism. However, there is no effective apolitical association of journalists working for journalists' rights and the improvement of journalistic standards.

There are three broadcast associations in Macedonia, and recently (early 2001) an association of publishers was also established. While the panel agreed there seemed to be some positive developments, generally it was felt that the associations are inactive and unrepresentative. There was some disagreement here, with the foreign nationals stressing recent improvements in the broadcast associations and the Association of Publishers. The Association of Private Broadcasters was specifically praised for its strike action (December 2000 and January 2001) as part of a campaign to lower the cost of concession fees, as well as their lobbying work against pirate broadcasters.

The panel was scathing in its condemnation of professional associations: The main reason given for the failure of these associations was the lack of professional awareness and a tradition of poor organization amongst Macedonian journalists. However, note that subsequent to this panel discussion, the Association of Journalists has begun a process of reform with a new leadership and a new "action plan" that includes drafting a new code of ethics for journalists. The panel was critical of NGOs lack of support for free speech and independent media, saying that there were few organizations active in this field. NGOs that exist are concentrated in Skopje.

No quality journalism degree program presently exists. However the Journalism Faculty at St Cyril and Methodius University in Skopje is in the process of reforming its curriculum. Currently the teaching has no practical component, and is more a study in social sciences and Macedonian law than a journalism course. The subject of quality journalism degree programs provoked some amusement. Panelists, especially foreign nationals, pointed to the lack of a coherent and long-term approach to journalism education. The quality of internationally funded training programs was criticized for being ad hoc and uncoordinated. The recent establishment of the Macedonian Institute for the Media as a center for mid-career training coordination was seen as a positive step. Some of the panelists from the print media stressed that they do carry out their own in-house training (i.e. the private daily *Dnevnik*). Others said that there was training in niche reporting (the weekly economics magazine *Kapital* claimed to hire economics graduates and train them in journalism).

Specific problems for some ethnic groups were mentioned: the non-codification of the Roma language was cited as a problem for Roma media and journalists. Linguistic differences between the Turkish language spoken by the Turks of Macedonia and the modern Turkish language spoken in Turkey were also cited as a problem for the Turkish minority of Macedonia. Short-term training and in-service training institutions are almost entirely lacking in local media. Mainly international donors organize these. The only obvious restrictions to sources of newsprint are financial ones—whether the publication can afford to pay for its paper. There is a reasonable variety of printing facilities available, including some over the border in Greece, Bulgaria, and Serbia. All panelists agreed that there were no government-imposed restrictions on sources of newsprint and printing facilities. The state-owned printing house of *Nova Makedonija* prints a number of privately owned publications. However, the owners of private printing houses are selective in regard to which publications they will print.

The state-owned media owns and controls the biggest distribution network and the best and largest number of kiosks. The state-owned Nova Makedonija (NIP) dominates access to kiosks, which is in an almost permanent state of “being privatized”. However there are two private nationwide distributors (Krug and Mozaic) and a few small private distributors in Skopje. Current problems with distribution are largely due to the lack of economic viability in such a small and undeveloped market. The inefficiencies in the distribution market do act as a barrier to free and fair distribution of some publications, especially the smaller ones, and this is a barrier to “democratic independent consumer choice” (especially outside Skopje).

List of panel participants

1. Emica Niami Nalbantic, journalist at A1 TV, correspondent from Sarajevo
2. Ljupco Zikov, Editor-in-Chief *Kapital* weekly
3. Ignat Pancevski, lawyer, worked in the Macedonian state media sector; works on media cases
4. Sroyanka Mitrevska, City Editor at daily *Dnevnik*
5. Harold Schenker, member of the OSCE mission in Macedonia for the last three years
6. Iso Rusi, Editor-in-Chief of the political weekly *Lobi*, contributor to the War and Peace Institute
7. Nezet Mustafa, Owner of the local TV station in the Roma language Shutel, Mayor of the Skopje municipality Shuto Orizari
8. Victoria Ayer, Country Representative, National Democratic Institute (NDI)
9. Zerijeta Jajaga, journalist at the Albanian section of the Macedonian National Television; contributes to Radio Free Europe/Radio Liberty
10. Leila Sabit, reporter for the daily *Vest*

Panel moderator

Klime Babunski

Observer

Kathy Stermer, USAID Democracy Officer

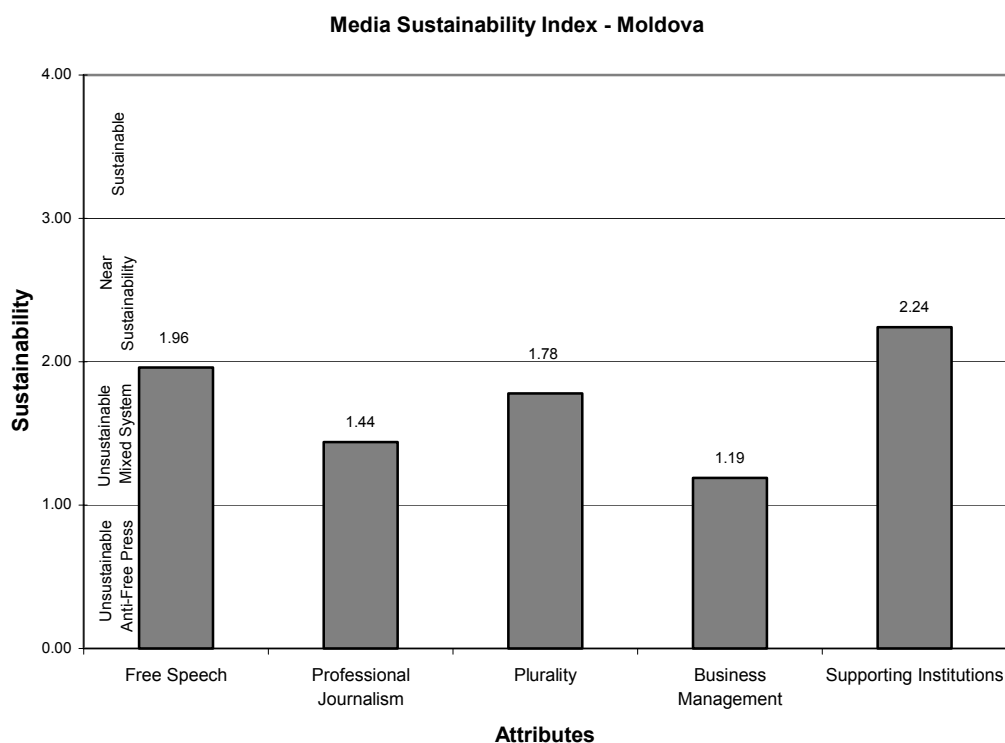
Moldova

Introduction

In the last few years, there were some positive developments in Moldovan media, but most members of the MSI discussion panel and other media observers criticized the lack of sustainable and well-managed independent media. Despite the fact that the country is trying to harmonize its legislation with international standards, and despite some positive decisions of the Moldovan Supreme Court regarding defamation and libel, the implementation of these good intentions so far remains a big issue. Panel members severely criticized the absence of editorial independence in media (the average rate for this objective is the lowest). The media sector is comprised of state-owned, party-owned, opposition, and commercial outlets. All of them are dependent on outside funding and allow editorial interference from government, political parties, or businesses.

The reasons for the lack of independence are many: lack of revenues and the difficulties in securing capital, self-censorship, lack of good management, and the absence of a dynamic advertising market which could lead to profits through honest competition. Nonetheless, panelists commented that there are a few examples of truly independent papers and broadcasters in the country. Despite the fact that good, professional broadcast programming and writing exist in Moldova, panel members gave a very low rating for professional journalism. The trust in media is also not high, as biased and badly sourced articles and programs abound.

Access to information is not legally obstructed, but is a financial burden both for media outlets and consumers, especially in the regions outside of the capital. Papers are delivered with a few days' delay and the state distribution network has monopolized the market. State-run TV and radio provide the only



Scoring System

0 = Country does not meet indicator; government or social forces may be actively opposed to its implementation.

1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.

2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.

3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.

4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

Above 3: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government not fully supportive

0-1: Country meets few of indicators and government/society actively opposing changes

available national sources of information. Even the state-run outlets are not regularly accessible due to power cuts. International radio stations are accessible and good local papers exist in some of the regions. Internet access in the regions is simply unaffordable. The state has a monopoly over printing houses and dictates the prices for printing.

Participants in the discussion mentioned that media coverage is quite distorted and biased during elections. Basically, many media outlets turn into mouthpieces for political parties and there are attempts on the part of officials to pay for favorable articles in the most popular papers. Another negative tendency that the panel participants mentioned is the fact that journalists are unwilling to work together to defend their interests; on the contrary, they tend to disagree on many issues, making it more difficult to mobilize and form professional media associations.

Attribute #1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

The Constitution of Moldova guarantees freedom of expression and the right to information. According to the constitution, “mass media are not subject to censorship.” However, since the adoption of the constitution in 1994, the democratic principles proclaimed by the basic document have to a large degree remained unimplemented. Enacting free-speech principles was discouraged by state authorities, who enacted a set of laws obstructing the freedom of expression.

During the process of reconciling domestic legislation to comply with requirements of international laws ratified by Moldova (such as the European Convention for Human Rights), some of the domestic laws were effectively amended (the Press Law, the Civil Code, etc.). The last ruling by the Supreme Court of Justice (June 19, 2000) on how courts should apply legislation in cases of freedom-of-speech violations was considered an important step towards enforcing constitutional provisions. Accordingly, the Supreme Court ruled that “if there is a discrepancy between the international human rights pacts and treaties (to which Moldova is a party) and domestic legislation, international regulations will take precedence.” This ruling, which is binding on the lower courts, explains how to enforce the legislation on the protection of people’s honor, dignity, and professional reputation. This mainly concerns provisions in the Civil Code (art. 7 and 7.1). The Supreme Court of Justice ruled that the lower courts should apply international legislation directly (e.g. Article 10 of the European Convention on Human Rights) rather than continue applying domestic laws, which oftentimes contradict the constitution and are incompatible with international laws.

Panelists jointly complained about the gap between existing legislation and the lack of implementation mechanisms to make legal provisions a reality. “Though Constitutional provisions are democratic, we should acknowledge that no efficient mechanism for application of these provisions exists. The right to information is guaranteed from a legal point of view; access to information is guaranteed as well. But there is no mechanism that would sanction officials obliged, according to the law, to provide the requested information.”

State-run TV Moldova (TVM) and National Radio Moldova remain at the mercy of the government, which refuses to transform them into public institutions. The parliament and not the Broadcast Coordinating Council appoint the management of TVM and the national radio and obviously their programming is not independent. State authorities and officials repeatedly try to intimidate the press and silence them. One such example was the declaration issued by the Ministry of Justice at the end of 1999, which practically threatened media with “closure or liquidation” should they be found guilty of offending authorities, i.e. “political figures, state institutions, and judicial authorities.”

Hidden censorship occurs in a number of ways, depending on the creativity of officials. For instance, if the editorial policies of certain media are inconvenient to some officials, such media are subjected to frequent inspections by tax authorities. Authorities also use pressure on businesses supporting inconvenient media; the pressure forces such businesses to stop their sponsorship or to condition their support on political considerations. After the parliamentary elections of February 2001, representatives from the governing Communist Party required the liquidation of the *Flux* newspaper and selectively barred the access of some publications to public events, thus reviving some trends that threaten the freedom of the press in Moldova.

In May 2001, the parliament amended the broadcast law to grant the president of Teleradio Moldova State Company the authority to dismiss the directors of the National Radio and National TV. Before this amendment, the two directors could be appointed and dismissed only by a parliamentary vote on the recommendation from the Broadcast Coordinating Council. The amendment of the broadcast law was perceived by the majority of observers as an attempt on the part of the government to monopolize the national broadcaster. The parliamentary leaders of the Communist Party have declared that they will oppose the transformation of Teleradio Moldova into a public company, although there are already two draft laws on such restructuring lodged in the parliament.

Radio and TV broadcast licenses are issued by the Broadcast Coordinating Council (BCC), as stipulated by the law on broadcasting. The BCC is composed of nine members with the government, the president, and the parliament each electing three of the nine members. The entire membership is then voted in by parliament. According to the broadcast law, licenses are issued on the basis of several criteria that must support “the plurality of opinions, equality in the treatment of participants, the quality and diversity of programming, free competition, domestic broadcast productions, and the independence and impartiality of

broadcast programs.” According to Article 34 of the BCC bylaws, “the council will take into account the following: a) the interests of listeners and viewers; b) the need to protect national interests, promote cultural values, provide programming related to different social groups....” These legal criteria are considered vague and provide fertile ground for arbitrary distribution of licenses.

Panel members criticized the BCC for unfair license distribution and especially for its lack of reaction to the failures of some outlets to meet requirements on the basis for how licenses were granted. They agreed that “the criteria were good, problems appeared after the licenses were issued.” Other panelists mentioned that the BCC decisions favored the ruling party, as BCC members were drawn from the Communist Party. Many radio stations obtained licenses, but later limited their activity almost entirely to rebroadcasting foreign stations, mostly from Russia. In September 2000, the Court of Appeals ruled (as a result of a lawsuit initiated by an NGO) that the BCC withdraw the licenses of eight radio and TV stations, which in violation of Moldovan law were rebroadcasting Moscow-based stations. The scandal, which triggered heated discussions and spilled over to the political relations between Russia and Moldova, was contained only after the parliament amended an article in the broadcast law; incidentally, the Court of Appeals ruling was never enforced.

Panelists said that generally, “we did not have a lot of crimes against journalists” and there were more “telephone threats, rather than real crimes.” On the other hand, “authorities did not express any desire to deal with cases of violence against journalists; the level of crime in our society is so high that journalists are as much endangered as all the rest of the citizens.”

In terms of crimes against journalists, during the last several years no cases of journalist assassination have been recorded. However, a number of journalists were victims of physical attacks, intimidation, and blackmail. The staff of *Flux* newspaper was threatened by a group of Afghan war veterans after the editor of the newspaper wrote an adverse editorial on the war.

Statistics show that after the 1995 amendment of Article 7 and 7.1 of the Civil Code, about 800 civil lawsuits for defamation and libel were filed against media. Public figures, state officials, and employees initiated the majority of these lawsuits. Panelists mentioned that “the new draft Civil and Penal Codes seem to be tougher on media than the previous codes.... They allow some corrupt judicial bodies to use the articles protecting the honor and dignity of officials in revenge against journalists; when defamation cannot be proven, the legal procedures turn into harassment.” Libel remains a criminal offence, punishable by prison terms of up to three years.

A general note made by most observers is that Moldova still practices excessive state control over public information. In May 2000 the parliament passed the Access to Information Law, which stipulates that any individual legally residing on the territory of Moldova may request any kind of information or document from public authorities or institutions without explaining their reasons. Article 7 specifies that: “No restrictions will be imposed on freedom of information unless the provider can prove that the restriction is warranted by law and is needed to protect legitimate rights and interests and for reasons of national security, and that the damage done to such interests will be larger than the public interest in learning such information.” The law prescribes that the individual whose legitimate right or interest is damaged by the information supplier may challenge the supplier’s actions either in or outside the courts. Although this law was adopted a year ago, it has not yet been implemented.

Some MSI panel participants criticized the fact that “nothing was done with respect to the Information Law,” and “the majority of ministries are not aware of this law and do not wish to know about it.” Sometimes ministries satisfy information requests officially, presenting information that cannot be used or charging a fee for the service. It also happens that journalists also do not use information they obtain in a professional and competent manner.

Media access to international news and sources of information is not restricted. The only real barrier is the limited financial capacity of citizens and media outlets alike. As a panelist said, “everything depends on your financial abilities. If you have money, you can subscribe to any source of news.”

Authorities in Moldova have not imposed restrictions on media professionals, except for the requirement of accreditation. Foreign journalists are required to receive accreditation from the Ministry of External Affairs, which is not difficult to do. Accreditation does preclude freelancing, as both Moldovan and foreign journalists must be affiliated with a certain media outlet.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

Good professional reporting in Moldova exists, but so does biased, unprofessional journalism. A few journalists produce objective, analytical articles and programs, checking facts and using multiple sources. In a recent opinion poll by the Bucharest-based Institute for Market Analysis and Research (IMAS), a marketing and polling institute, (commissioned by the Moldova Institute for Public Policy) media were ranked second after the church on the credibility scale. Nevertheless, there are journalists who make no distinction between information and opinion. Panelists criticized reporting based on rumors, saying that it “provokes disgust for the press.” Improved education would help: more than two-thirds of the broadcast managers in Moldova, for example, do not have a suitable education. Improved access to information is also needed: most journalists (62 percent) see the access situation as unsatisfactory, according to a December 1999 opinion poll by IMAS.

There has been much debate among journalists on ethical standards and the need to enforce them. The debates culminated in the adoption of a Code of Professional Ethics in May 2000. Among other things, the Code requires a clear distinction between information and opinion; journalists should use only information that they think is reliable, and which is based on sources they know. The presentation of such information should be impartial; journalists should not receive, either directly or indirectly, any kind of compensation or fees from third parties for the publication of any kind of information or opinion; they should respect the privacy of individuals. The provisions of the Code of Ethics are not observed in full. Moreover, the IMAS poll of December 1999 showed that 17 percent of the journalists polled did not even know that the Code existed, while 37 percent had only partial knowledge of its provisions.

Journalists tend to stray from ethical standards, especially during elections when most media outlets fall into political camps. According to the IMAS opinion poll, 73 percent of the respondents believe that journalists in Moldova give in to political partisanship; the main reasons cited are the precarious economic situation of media outlets and journalists, and the lack of conditions for an independent press. The same poll shows that almost half of the journalists responding do not feel safe from threats or pressure related to their professional activities. During the last elections, many media outlets preferred to sell airtime and print space to political parties, severely limiting journalistic analysis. The European Institute for the Media, which monitored the coverage of elections, detected abuses by media, including disregard for election laws, smear campaigns against rival candidates, obvious preference given to certain candidates, biased attitudes, etc. Nevertheless, there were also examples of impartiality, balance, and true professionalism on the part of NIT TV and the newspaper *Jurnal de Chisinau*, both private outlets.

Self-censorship is practiced both among state-run and private media employees. One example from state media was the cancellation of the show *Mosti* (Bridges) shown on TVM because the then-largest parliamentary faction did not like it. Among private media self-censorship is high because the owners expect their employees to abide by taboos or, alternatively, to take an exaggeratedly critical stance toward targeted figures, organizations, or political parties.

In their reporting many journalists simply announce major domestic and international events without a follow-up or an in-depth analysis; they very rarely follow up on issues of major importance, such as privatization and economic reforms, the activities of non-parliamentary parties, or social problems. The Teleradio-Moldova Company covers events from the viewpoint of the governing party—newscasts start with reports on the country's top political figures. In contrast, journalists from independent media cover major events and issues more thoughtfully. Panelists noted that “Commercial newspapers and stations are sometimes more accurate in their coverage and closer to the interests of a lot more people.”

Salaries of journalists employed by state-owned media are the equivalent of US\$10-15 per month. In private media, journalist salaries vary between US\$50-100 per month. Salaries are not a function of merit; rather, they depend on media owners and their connections to businesses or political parties. Journalists are often forced to look for extra income and thus disregard some of their professional principles. Extra pay comes mainly from political advertising sold by outlets, but also from paid services offered to political parties during elections.

According to the Center for Sociological, Political, and Psychological Surveys and Analyses (CIVIS), which in 1998 monitored the programs of some major broadcasters, private radio stations broadcast about 90 percent music. Public broadcasters have a larger diversity of programming: music takes from 35 percent (Radio Moldova) to 50-70 percent (radio Antena C, radio Vocea Basarabiei) of the total programming. The balance of time is dedicated to news and other shows.

Most private radio and TV stations have their own broadcast equipment, including transmitters. The state-owned company Teleradio Moldova and several private radio stations, including a number of foreign (Russian) ones, use the services of the state-owned Radiocomunicatii Company. Teleradio Moldova faces serious technical problems. More than 70 percent of its equipment is physically old and technologically outdated. Due to a shrinking budget, it temporarily cut down on its transmission time several times in the last three years: for several months night radio programming and the entire second national channel had to be suspended, and daily TV programming was cut down by several hours. Private broadcasters do a better job at balancing their revenues and expenses, but only a few foreign radio stations can afford to invest in equipment upgrades (HitFM, Russkoe Radio, Serebreanyi Dojdi, ProFM, Radio Contact, etc.).

Investigative journalism “does not quite exist” as panel participants put it. Investigative stories subject journalists to many risks that are considered unjustified relative to the expectations of action in response (that is, there are no consequences from investigative reports). Also, media outlets cannot afford the higher costs of producing investigative pieces.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

In 2000, 180 newspapers and magazines were published in Moldova. About 40 percent of them were published by the state, political parties published around 30 percent, and the rest—less than 30 percent—were under private ownership. There are about 190 private local radio and TV stations. Several radio stations cover about 70 percent of the country (Chisinau municipality's Antena C, the private stations Hit FM, Contact). Political parties do not own radio or TV stations.

People can freely access domestic or international media outlets with no political, legislative, or technical barriers; their access is limited however by financial resources. A family can afford—in the best of cases—to subscribe to or buy one publication. Access to broadcast outlets is jeopardized due to frequent electricity blackouts and/or people's inability to pay for the electricity they use.

Moldovan citizens have access to global radio stations, such as the BBC, Voice of America, Radio Free Europe/Radio Liberty, and Radio France Internationale, which broadcast on FM or VHF frequencies. Moldovans also have access to a number of international TV stations: the French TV5 is rebroadcast by a local station, while other stations such as CNN can be accessed via cable operators. Radio and TV stations from neighboring countries are also easily accessible. TVR1 and ProTV originate in Romania; Channel 1 is rebroadcast from Ukraine; local stations rebroadcast Russian radio stations; Moscow-based TV stations are rebroadcast entirely or partially (ORT, RTR, RenTV, NTV, TV6, etc.); and local editions of Russian newspapers are also available. Western newspapers disappeared shortly after their introduction on the market due to their high prices, although they can still be found in some places with limited availability, i.e. embassies.

In contrast to Chisinau municipality, where at least theoretically there are a great number of sources of information, in most rural areas the situation is completely different. In many villages there are no kiosks, the radio programs are not regularly transmitted, and only one or two television channels are accessible. Power cuts are frequent, further contributing to the dire situation. Many people are deprived of basic information, even from local sources. Kiosk locations are open only for two hours. The press arrives in villages after delays of up to week, when the information is already outdated. *Posta Moldovei* brings the newspapers three times a week, according to official statistics, but unofficially, people say papers come once or twice a week. MSI panel participants stressed that "The president, the parliament, and everybody else is aware of the situation, but they do absolutely nothing."

A growing variety of news agencies can be found in Moldova. The monopoly of the government-owned agency Moldpresa has been undermined in recent years by about 10 new private agencies, of which BASA-Press, Infotag, Infoprim, Flux, and Deca-press have established themselves on the market.

Independent radio and TV stations in Moldova contribute only partially to the diversification of information. A large proportion of independent radio and TV stations (40 percent according to BCC's division for licensing) is concentrated in two districts—Chisinau and Balti. Most of these stations rebroadcast foreign programs mainly from Russia and Romania. The amount of original programming is insignificant and consists mainly of entertainment. The share of newscasts (3-5 minutes every hour or half hour) is minimal and the news items seem to be selected randomly. There are exceptions, such as ProTV Chisinau, TVC 21, Radio Antena C, Radio Nova, Radio Contact, Radio Pro FM, ORT Moldova, and NIT, as well as some radio stations outside Chisinau. These stations usually have special newscasts and analytical shows and their own newsgathering staff. The news they broadcast concerns events nationwide as well as the reaction of people across the country to events of national importance.

Media in Moldova are not transparent about their ownership and funding sources. This is especially true of private newspapers. The public is not informed about some radio and TV station ownership, especially those with some significant impact on the country's political life (for instance ORT Moldova, and Vedomosti TV). The ownership of mass media is often the subject of sensational disclosures during elections. Thus, it was discovered that the owner of the *Flux* newspaper, which proclaimed itself an independent publication, is a leader of a political party.

Media in Moldova are doing a poor job of covering the wide spectrum of society's interests; they give preference to politics and allow insufficient space for the coverage of social issues. For instance, one will rarely see stories on social assistance, disabled people, abandoned children, or the trafficking of women.

Of the 180 existing publications, only 83 (46 percent) are in Romanian (about 65 percent of Moldova's population is of Romanian origin), 77 are in Russian, 2 in Ukrainian, and one each in Gagauz, Bulgarian, Polish, and German languages. The linguistic disproportion in the media is even more obvious in the case of broadcasting.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

Independent media in Moldova are not managed well from a business perspective. Advertising agencies and the ad market are not developed; there are not enough experienced media managers; and the Soviet-type understanding of media as a propaganda tool rather than as a business still persists. Panelists felt that “media people are more comfortable when they are under somebody's wing, which will take care of the money and they will work without any concerns on how to finance their own paper. This mentality needs to be changed quickly, otherwise we will have no independent media.” The absence of business traditions prevents an orientation towards profit making. Media outlets rely only partially on commercial revenues and are continually looking for subsidies.

The state continues to be the owner of the Press House (a complex conceived as the national media center), Moldpresa (a national press distribution network), the subscription system (which is operated via the state-owned Posta Moldovei), and the network of ground transmission of radio signals (which is managed by the state-owned Radiocomunicatii). The state sets the prices and collects fees for rent, printing, distribution and sales, communication services, and transmission of radio signals. The quality of printing work is very poor; and panelists related that “printing houses need to be begged and asked all the time to do good quality work.” Because of the state monopoly, “fees for press distribution are very high and sometimes amount to 80 percent of a newspapers' price.”

Private radio and TV stations first appeared in Moldova in 1994. According to panelists, after the parliamentary decision in 1998 to suspend any grants and other financial support to periodicals, “a favorable situation for the development of independent press was created; while local state-owned press almost disappeared in one year, that stimulated some media outlets to look for ways to survive. At that time many independent newspapers from the province appeared, which did not quite happen in Chisinau....”

In the last five years more than 100 radio and TV licenses have been issued. Panelists noted, “Relations between the press and the commercial structures, the press and political parties, the press and the state are not well defined; a mentality of business relations does not exist.”

After the parliamentary elections in February 2001 and after the local elections in 1999 there was a tendency toward stronger state control over press, including support for the new state-owned district periodicals.

There are some exceptions: these are media businesses that managed to become self-sustainable after some initial help from Western donors. They are able to do that by using young talent and adjusting their products to the real needs of the market. To these belong: BASA-Press; *Infotag*, a Russian-language business newspaper; *Ekonomicheskoe obozrenie-Logos Press*; several local newspapers; several small printing houses; and some small distribution networks.

Media operations in Moldova depend on individuals rather than on market development and trends. Market research services, promotion, and sales develop very slowly. Advertising revenues have been an increasing share of income in the last five years; however, the increase has not been enough to propel the dynamic development of media. It is difficult to assess the real size of the advertising market due to its lack of transparency. Panelists noted, “Companies are cautious in investing in advertising even if it is rational from a business viewpoint, and a good analysis of the advertising market is needed.”

Newspapers and magazines, especially private ones, rely mostly on subscription revenues. This is typical of national publications such as *Flux* and *Saptamana*, which lead in terms of national circulation. Newsstand sales are increasingly important to papers with small circulations. Papers owned by political parties get additional subsidies from them. However, many sources of financial support for media outlets remain unknown. Such media are usually labeled as pseudo-independent. The government does not subsidize independent media outlets. For the past few years parliament has exempted printing services from VAT. Although this was done with the purpose to support the press, only the printing houses benefited from it.

Advertising agencies appeared in Moldova either as affiliates of media or relying on the possibility of preferential relationships with certain newspapers, radio, and TV stations. The Telecom ADV agency had exclusive sale rights for the ORT Moldova TV channel; Universal Group had similar rights for Radio Evropa Plus; Panda Studio for Russkoe Radio; etc. Advertisers have become disappointed in the efficiency of media as advertising carriers. Agencies have often frustrated advertisers' expectations through inadequate media planning. Some agencies made use of pseudo surveys that featured distorted findings and exaggerated the popularity of their preferred media partners.

Panel members mentioned that after the communists came to power, opposition newspapers experienced a considerable drop in the volume of advertisement. Some businessmen admit that they are afraid to place advertisements in the opposition newspapers because they are not sure of the reaction of the new authorities.

Panelists mentioned that advertising has other shadowy aspects and opportunities for corruption. Employees who make the sales can tap advertising revenues that come through agencies. Also, panel members believe that newspapers enjoy differing shares of ad revenues depending on whether the papers are in the Romanian, Russian, or Gagauz language. The tax structure represents a serious impediment for the development of the advertising market. If tax inspectors observe that a certain company places advertisements in newspapers, they immediately check on the company. Some companies refuse to place ads in papers so as not to attract the attention of tax officials.

In Moldova it is rare to have credible market surveys that could help media adjust their products to the public interest and serve as a basis for attracting advertisers. There are no independent media monitors doing business. Some surveys do appear, but only sporadically, and even then, they are conducted internally by the wealthier papers such as the Russian-language newspaper *Komsomolskaia Pravda v Moldove*. Usually the surveys these papers produce include data that are very likely to have been fabricated on request from interested media. One such example involves the results of a survey that placed Radio Contact in the top three stations in Chisinau. It later turned out that Radio Contact's market share was much smaller, and the survey was discredited as a commercial endeavor.

The consequences are grave: there is a void of information crucial to the development of strategies, marketing plans, and commercial methods. The market could be surveyed by media outlets jointly, but the atmosphere of mutual opposition precludes finding a common solution.

As there are no credible market surveys, circulation and audience ratings are often used in the dialog between media and advertisers. Circulation figures are inflated and consequently advertisers enter business partnerships with media under two conditions in particular: when their prospective partners are unquestionable leaders in the advertising market, or when the advertisers share political or other sympathies with certain media.

Panelists concluded that in terms of market research, “we are still at the beginning.” Information about circulation can in theory be obtained from printing houses or distribution companies, but they usually refuse to this data, claiming that it is a commercial secret.

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

At present there are only two trade associations in Moldova, and they both represent the interests of private media owners: the Association of Independent Press (API, founded in 1997), with two news agencies and 13 independent newspapers; and the Association of Electronic Press (APEL, founded in 1999), with 15 radio and TV stations. These associations face some problems because of the lack of solidarity among media owners: many owners have political affiliations or are funded from abroad. The political affiliation is less noticeable in broadcasting, but financial dependence on foreign founders and the tight competition in the fledgling market prevents broadcasters from joint work.

Due to the lack of financial resources, API's activities are limited to projects to attract advertising and create learning opportunities in modern technology (such as digital photography, the Internet, etc.). APEL has plans to focus on training, set up a rating system for radio and TV audiences, launch a common bank of syndicated programs, and implement efficient management techniques. However, due to financial difficulties these projects have never made it beyond the stage of good intentions.

Among the professional associations in Moldova—the Union of Journalists (UJM), which developed from a Soviet-type professional organization to an NGO, and some associations of journalists specializing in areas such as agriculture and sports—only UJM is making a consistent effort to protect the rights of journalists. UJM works on various cases of violations of journalists' rights, and pressed for the adoption of the law on information access, as well as for adjusting the defamation articles in the Criminal Code to international standards. UJM has also repeatedly suggested to the government to exempt the press from VAT.

In 1999, the Independent Journalism Center (IJC) set up a law unit to offer journalists' and media organizations information on domestic and international legislation, as well as offering consulting services for journalists harassed on the basis of their professional activities. However, there is a need for a more systematic and concerted effort on the part of NGOs to protect the rights of journalists. At present there are about 20 media-related NGOs, but only one-third are actively supporting independent media. Their activities focus on improving legislation on media and the free circulation of information, providing continuous training to journalists, and protecting their professional rights. Panelists thought that “there were some very active NGOs, but there are also many others, who do not care at all.”

The Committee for Press Freedom, in cooperation with other organizations and public figures concerned about the right to free expression and information in Moldova, drafted and lobbied on the Free Access to Information Law, adopted by parliament. The Independent Journalism Center in collaboration with the American Bar Association organized a number of seminars for media professionals to clarify the articles on defamation, and gave advice about writing strategies to avoid defamation charges. Apart from the Helsinki Committee, there are few other non-media NGOs showing much interest on freedom of the press issues.

IJC, in cooperation with UJM, API, the Committee for Press Freedom, APEL, and the journalism faculty of the Moldova State University have organized since 1999 a “Press Freedom Week” to raise public awareness of the need for a truly independent press. In 1999 and 2000, these events brought together more than 200 journalists and journalism students from Moldova.

The faculty of Journalism and Communications of the State University is the only institution in Moldova that provides university-level education in journalism. The departments are set up to teach journalism, social communication, and institutional communication, amongst other kinds of technical training. Recently, a new curriculum was developed and implemented and new, specialized courses were introduced on print media, radio, and TV journalism. The insufficiency of practice-oriented classes is still a problem because of the lack of funds to attract experienced Moldovan and foreign journalists to teach at the faculty. This is what a US Fulbright scholar who taught journalism for a year at the faculty said: “Mechanical learning, the lecturing-and-repeating back method of teaching, old or absent texts—all this leads to the intellectual degradation of students. Creative lectures, free discussions, interaction and intellectual debates between teachers and students can be found in some classes, but these represent the exception rather than the rule.”

The Independent Journalism Center, the Journalists Union of Moldova, the Association of Independent Press and others organize short-term professional trainings. In 2000 alone, IJC organized more than 20 training courses and seminars for journalists on a wide variety of topics: agricultural reporting, social reporting, journalism ethics, etc. During such courses journalists are taught more hands-on skills. Panelists criticized the fact that despite the many courses, their impact remains small. “One can admire the seminars on the law that punishes defamation, but the national television continues to have programs neglecting the presumption of innocence, and announcing names of people who are not even under criminal prosecution.” Panel members pleaded for an assessment of such courses and a follow-up on their usefulness.

In Moldova there are no restrictions other than financial ones regarding the supply of newsprint, which is provided both by state-owned Presa Company and many private suppliers. The problem is that there is only one private printer in Chisinau (Prag 3). A second printer could not survive economically due to the small circulation of newspapers. The majority of local newspapers are printed by local state-owned printing houses, which were part of the publishing network of the communist party during Soviet times. Some of these printers have either been privatized, as for example those in Rezina, Straseni, and Nisporeni, or are currently undergoing privatization; the *Cuvantul* newspaper in Rezina managed to buy its own printing house. Panelists agreed that there were no problems with paper suppliers, but printing was still an issue because of the state monopoly over printing houses.

Another developmental obstacle for independent press in Moldova is the state monopoly over the distribution system. However, private newspapers are in no rush to set up their own distribution networks due the lack of funds. A well-known newspaper manager did attempt to set up an alternative distribution system, but it failed due to a lack of solidarity among publications of diverging views. In Chisinau, the state-owned company Moldpresa is the major printing house, and it also owns all (about 200) newsstands in the capital.

Access to the Internet is offered exclusively by private providers (about 15 in all), the largest being Mega Dat, Zingan, Relsoft Communications, and MoldInfoNet. They all use Moldtelecom's network of links, which is still owned by the state, but is now slated for privatization. There are no legal restrictions on the use of the Internet for journalists and the general public, and the fact that Moldova ranks among the lowest users of the Internet is due to the inability of people to pay for the services (Internet connection costs at least US\$10 per month). According to Internet provider Dynamic Network Technologies (DNT), there are about 40,000 Internet users (i.e. 0.93 percent out of population of 4.3 million) in Moldova. Panel members criticized the fact that "Moldtelecom was granted the authority by the state to operate the access to Internet for any provider in Moldova, and at the same time it functions as an ordinary provider. There is a conflict of interest." Also, they mentioned that "Moldtelecom imposes high fees for utilization of its network, and for that reason the number of Internet users does not increase."

List of panel participants

1. Alexandru Canțir, BBC Reporter, *Basa-Press* news agency, President, *Committee for Press Freedom*
2. Ion Bunduchi, Director, Radio Antena-C
3. Tudor Iașenco, Director, *Cuvântul* newspaper, Rezina
4. Vasile Botnaru, Executive Director, Basa-Press news agency
5. Anatol Golea, Director, Infotag news agency
6. Val Butnaru, Director, *Jurnal de Chișinău* magazine
7. Constantin Marin, PhD, University Professor, Journalism Department, State University of Moldova
8. Rodica Cioranică, Deputy Editor-in-Chief, *Luceafărul* newspaper
9. Dmitrii Calac, Deputy Editor-in-Chief, *Ekonomiceskoe Obozrenie* newspaper
10. Irina Astahova, Editor-in-Chief, *Kişiniovski Obozrevatel* newspaper
11. Alexandru Barbov, Reporter, *Moldavskie vedomosti* newspaper
12. Victor Osipov, Executive Director, Association of Electronic Press –APPEL
13. Valeriu Saharneanu, President of the Union of Journalists of the Republic of Moldova

Observer

Iurii Datii, IREX Representative, Moldova

Panel moderator

Nicolae Negru, Editor-in-Chief, *Mass-Media in Moldova* bulletin, Independent Journalism Center

Montenegro (Federal Republic of Yugoslavia)

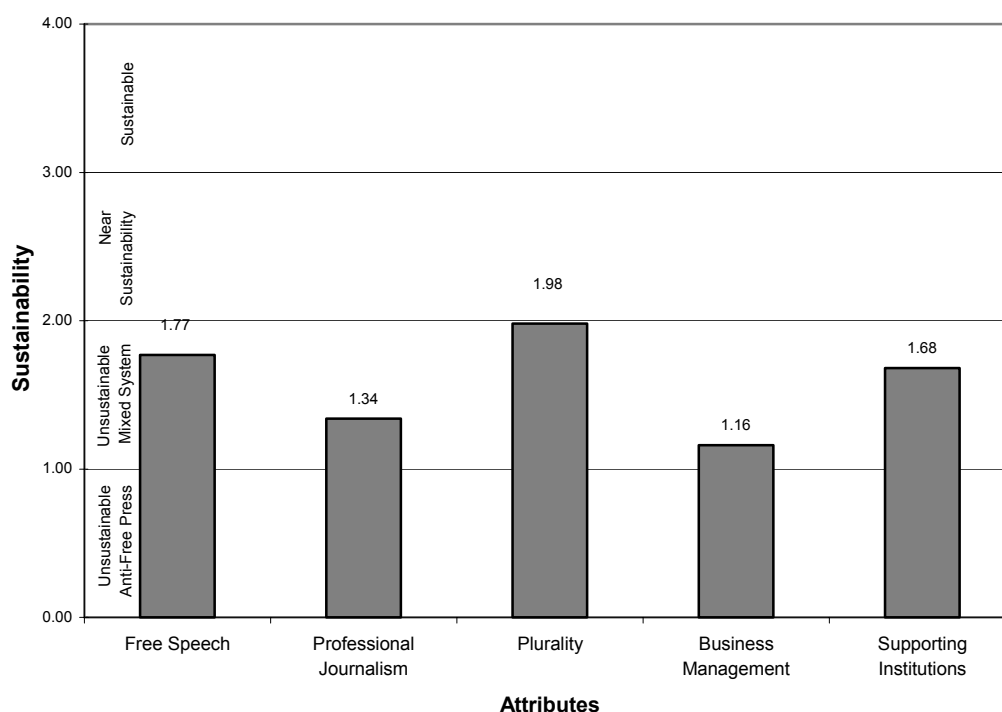
Introduction

Although the parliamentary elections of April 22, 2001 resulted in a serious setback for Montenegrin pro-independence forces, their battle to break away from Serbia is far from over. The campaign, which did not refrain from hate speech but stopped short of violence, has cemented the deep societal split in the Yugoslav Federation's junior partner. Media organizations, along with the population at large, have become more polarized into clear pro-Montenegro and pro-Serbia camps. At the same time, the economic situation remains poor with little improvement on key economic reforms.

The Djukanovic government is said to have miscalculated the election agenda by failing to put market reform before statehood; even its tight grip on state media did little to change things in their electoral favor. Efforts by private press and broadcasters to broaden debate on all relevant secession subjects may have contributed to the administration's near defeat, and may mean that independent media will be increasingly important in deciding political futures.

Independent media, however, are far from playing the powerful part of the fourth estate. Editors do not appear ready to test the boundaries of the state's media tolerance by, for example, featuring investigative reporting, which the relatively liberal legal framework makes room for. For its part, the government is moving slowly on its stated willingness to transform the official broadcaster into a public service provider, and to cooperate on a new broadcasting law (drafted by independent broadcasters with international support).

Media Sustainability Index - FRY-Montenegro



Scoring System

- 0** = Country does not meet indicator; government or social forces may be actively opposed to its implementation.
1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.
2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.
3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.
4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

Above 3: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government not fully supportive

0-1: Country meets few of indicators and government/society actively opposing changes

A newly created media institute, awaiting government-provided premises, will be the first Montenegrin journalism school. It will aim to improve the editorial and management skills of some 400 media professionals in a country with a population of about 650,000. The input is badly needed because Montenegro's five dailies, a handful of weeklies, and some 30 electronic media not only lack editorial inspiration, but are also hindered by lackluster presentation and management that lacks the training and experience needed to lead publications and programs.

Attribute #1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice.
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

The Constitution of the Federal Republic of Yugoslavia (FRY) provides for freedom of expression (Article 35), freedom of the press, and other forms of public information (Article 36). Citizens have the right to express and publish opinions in the mass media (Article 36) and "the public dissemination of information by other media shall be accessible to all, after registration with the competent bodies" (Article 36). The only specific mention of radio and television states that "Radio and television stations shall be set up in accordance with the law" (Article 36). Censorship of media is prohibited (Article 38). The only restrictions that can be imposed on media are those enacted by court orders when the information to be disseminated calls for government overthrow, violation of the territorial integrity of FRY, or incites national, racial, or religious intolerance (Article 38).

The Montenegrin constitution provides identical guarantees of freedoms. Freedom of press and other public information media is guaranteed (Article 35) and the "dissemination of information by other media

shall be accessible to everyone without prior permission, subject to registration with the competent authority” (Article 35). The Montenegrin constitutional provision for broadcasting is the same as the federal: “Radio and television broadcasting organizations shall be established in accordance with the law” (Article 35). It guarantees freedom of public expression of opinion (Article 34) and freedom of speech and public appearance (Article 38). The Montenegrin constitution goes one step further to provide for the freedom to use one’s own language and alphabet (Article 34). Censorship of media is also prohibited, except in the cases mentioned in the FRY Constitution (Article 37).

A survey of Yugoslav human rights in the year 2000—“Legal Provisions, Practice and Legal Consciousness in the Federal Republic of Yugoslavia”—concluded that guarantees of freedom of speech in both Yugoslav and Montenegrin constitutions are generally in accordance with international standards. “However,” the survey continues, “these constitutions do not follow international treaties in their entirety and do not refer to the freedom to seek and receive information irrespective of frontiers or the medium of transmission.” The survey elaborates on restrictions to freedom of expression, notably in the operation of broadcast outlets. It states that the confluence of federal and Montenegrin laws and regulations on the operation and activity of electronic media create a situation where it is “practically impossible to legally establish and manage a private radio or television station.” The report claims, though, that the situation in Montenegro is better than in Serbia.

The 1998 Montenegrin Public Information Law (referred to as the “media law”) reiterates the constitutional right to free speech and guarantees free access to all sources of information and the freedom to set up media enterprises. Most observers would probably agree that Montenegro currently enjoys an unprecedented degree of press freedom. One example of this new thinking is in the area of libel. A former government minister, now a private citizen, sued the author of an editorial in the *Monitor* weekly for libel; he was unsuccessful. Compare this to the earlier post-1999 NATO bombardment environment, when military prosecutors often indicted journalists on charges of “acts weakening the defense of the country.”

The Media Sustainability Index (MSI) panel agreed that even though there has been progress in the last couple of years in efforts to fairly regulate the legal environment for media, there have also been failures in both substance and enforcement of these regulations. This is especially the case with the laws on public information and telecommunications. The general opinion during the discussion was that political parties greatly interfere in the work of the state media, in that they are mouthpieces for politicians rather than public service organizations. Media experts stressed that better laws to regulate the state media sector are particularly needed.

The understanding of the constitutional good of free speech appears little developed in Montenegrin society. There is generally little understanding of the role of media in civil society, no doubt due to poor acquaintance with the principles of free speech in the communist past. This attitude may change with the further development of independent media and civil society.

The December 2000 Telecommunications Act regulates broadcast licensing through the newly established Agency for Telecommunications, whose top members are government appointees. This has caused public criticism, and efforts are underway to rectify the situation by creating a new broadcasting law in line with broadcasting and licensing principles adopted by the Council of Europe. The government has reacted to the criticism by stating that no law is cast in stone.

Licensing procedures at present are not considered fair and competitive because of the absence of transparency or public involvement in the process. Elmag TV claims that its repeated applications for a countrywide expansion have been turned down, while Montena TV has succeeded in expanding through fiber-optic technology without any public oversight. The case of YU Info TV is special: they were operating (illegally, according to Montenegro) from Yugoslav military barracks in Montenegro, and it is not known whether the station will get a license.

The MSI panel discussed the importance of the new draft law on radio broadcasting prepared by the Union of Independent Electronic Media of Montenegro (UNEM), the electronic media association, with help from international experts. The draft was mentioned as the first attempt to transform state broadcasters into a public information service. Participants placed great hopes on the inclusion of more democratic procedures for obtaining broadcast licenses. The new draft was viewed as an attempt to eliminate state interference and arbitrariness both in public and private broadcasting. The government announced that state broadcasters have started reforming and will continue service as public media soon, whereas the government mouthpiece *Pobjeda* might be altogether privatized.

The media law (Article 2) guarantees the freedom to set up media enterprises without any restriction. Media outlets must be registered with the government's Information Secretariat, which is obliged to process any application within 15 days. So far, no applications have been turned down. Tax obligations for media enterprises are no different from other businesses.

Panel discussants could not think of any recent incidents when journalists have been attacked, and in general journalists in Montenegro have not been subject to violence. But they are cautious in exposing themselves to potential risks, and the experts agreed that self-censorship has a strong impact on the quality of the few reports on crimes. Reporters usually abstain from tough investigative reporting on alleged corruption, crime, and feuds, even though there are repeated requests for training on investigative reporting. Libel is a criminal offense, and in recent years convicted journalists have been imprisoned. Since courts have a reputation for being slow, many plaintiffs refrain from suing. Some NGOs recently launched an initiative to decriminalize libel.

Although media law favors neither state nor independent media, the fact that the state operates media suggests the absence of evenhandedness. The state media are well above the rest of the press in terms of access to top news developments, and particularly so in the case of state TV. The independent *Vijesti* newspaper also appears to receive preferential access, and it is not clear whether this is because of its flagship status or because the government has influence over it.

State journalists receive fringe benefits in terms of housing, transport (e.g. reduction in airfares and train tickets) and so forth, but similar privileges are also granted to independent journalists who are members of the Organization of Professional Journalists of Montenegro. Licensing does not go beyond normal accreditation procedures when major events, such as elections, are covered. Government will have no say in the access to the newly-formed Montenegrin Media Institute (MMI).

MSI experts clarified the reality behind the theoretical equality of status between state and private media. Most agreed that legal equality does not obtain in daily practice. Political parties have substantial control over state media, which is best reflected in the selection of management bodies—solely on the basis of party criteria. State media enjoy financial privileges—their budgets are heavily subsidized—giving them an unfair competitive advantage over the private media sector. Even state media representatives admit that state media function as a party service and that reporters are biased supporters of government policy. The financial benefits enjoyed by state media contribute to its inertness and inefficiency, which is a huge stumbling block on the way to public service reform.

Although the 1998 Montenegrin media law stipulates that editorial policy is entirely up to the publishers, there appear to be ways and means for the state to influence independent media. Government, political parties, companies, and organizations have their lobbying groups among journalists, and are said to release key information exclusively to their inner circles rather than openly announce news at press conferences. It might be fair to assume that very few top positions, even within the independent media, are not influenced by political considerations. The discussion group pointed out that even though their political stances are clearly indicated, most of the independent media are more willing to present the opposing view. Most agreed also that problems within independent media are not overwhelmingly related

to editorial policies, but rather result from limitations in the technical and financial spheres, as well as in the lack of qualified staff.

As noted above, state media journalists have the edge when it comes to accessing information. The MSI panel discussion group agreed that not all media can access the government, and that the freedom of journalists does not really mitigate the preference given to state media. Montenegrin parliamentary sessions are publicly broadcast and political activities are publicly covered, but special accreditations are still needed for some high-caliber political events. On the other hand, participants agreed that independent journalists do not respond to the lack of access in a persistent way, although some organizations (like UNEM and the Association of Young Journalists) help with training and encourage their members to make sources aware of the need and importance of free access. Reporters need more training in the techniques of accessing public information through records and computerized databases.

The language barrier appears to be the most significant impediment to accessing news through the Internet, with cost of access a lesser factor. Few broadcasters have signed agreements with foreign stations to rebroadcast programs. Piracy is accepted as normal: there is very little respect for intellectual property.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

Balance, diversity of sourcing, and verification are not strong traits of Montenegrin journalism. Lack of professionalism is aggravated by the fact that most reporters stand either in the pro-Montenegrin or the pro-Serbian camp, making fair presentation quite difficult. Reports are often one-sided and inaccurate, and often based on press releases rather than fact finding; even at press conferences questions are seldom asked. With the exception of a few professional media organizations such as *Monitor* and *Onogost*, reporting is in a poor state and extensive training to improve professional skills is required.

The MSI panel discussants agreed that journalistic professional standards are low and need to be addressed as a priority in the very near future. Lack of professionalism and responsibility, and the partiality of reporters, are some of the most painful problems in the sector. Although the Organization of Professional Journalists (open to all journalists with no membership fee) accepted internationally recognized ethical standards some ten years ago, they are not enforced. Violations of these standards can be noticed almost daily in the state media and in papers such as *Dan*, *Glas Crnogoraca*, and even the independent *Vijesti*. There are cases when journalists readily accept payment for favors in terms of coverage.

Self-censorship does exist, but is a habit rather than a necessity. The media law provides for journalist independence and mentions fines that can be imposed on editors who go against this provision. The law also guarantees that journalists cannot lose their jobs because of an opinion they may hold. In reality, however, some editors exert pressure on subordinates, especially in cases of reporting on alleged corruption or crimes.

There are a number of topics that have repercussions on the journalists who cover them: corruption, smuggling, mismanagement, and abuse of power resulting from the lack of transparency in Montenegrin society. One way to obstruct undesired reporting is to prevent investigative coverage for reasons of cost,

lack of manpower, or uncertain results. *Monitor* provides, with moderate success, an insight into economic crime, but it does not have the resources (staff and funds) to pursue this in a consistently professional way.

The MSI panel agreed that self-censorship is one of the factors most severely damaging the quality of reporting and programming. They stressed that it is a legacy of previous regimes, but also a consequence of low incomes. Also, concerns about personal safety very often cause journalists to avoid thoroughly researching topics related to corruption and abuse of power. They mentioned that the poorly functioning legal system allows for a certain tolerance of the abuse of power, and journalists often yield to the old habits of not reporting on hot topics.

Minority media are underdeveloped in Montenegro. All discussants agreed that certain media outlets use improper language when referring to ethnic minorities (Muslims, Albanians, etc.), which discredits the journalistic profession. The newly established Council for the Protection of the Freedom of Public Information attempts to promote an ethics code to discourage discrimination, but it has not yet managed to have any visible social impact and is slow in transforming itself into a fully operational body.

Pay levels for journalists are very poor, ranging from an average figure for the media sector of DM 400 per month to a deputy editor's salary of DM 500 at *Pobjeda* and an average salary at *Monitor* of DM 700. All panel members agreed that low incomes open the door to corruption; but more important, they result in poor journalistic quality because many reporters are less than enthusiastic about their work for a salary of DM 500 per month. To make matters worse, the anachronistic system of social and medical insurance does not allow freelance journalists to purchase their own benefits separately.

A media brain drain was created when NGOs and foreign companies started arriving in Montenegro, offering high salaries to competitive journalists. The bulk of independent media in Montenegro appear to pay less to their employees compared to the public sector, and independent reporters also lack insurance, regular payment of salaries, proper working hours, and good working conditions.

Entertainment programs dominate the electronic media by far. There is an urgent need for inclusion of more news programs, especially in the independent TV sector, in order to achieve a balance among entertainment, education, and news/current affairs shows. The intensely political nature of the times has turned Montenegrins into "political animals," as evidenced in the high-circulation *Vijesti*, which puts political stories at the forefront every day. National news towers above international news, with foreign events rarely making it to the front page except when they affect Montenegro. Usually there is no follow-up on issues; this was the case for example when a police officer was killed, allegedly the victim of infighting in the police department over corruption. Many Montenegrin journalists also fail to feed editors with nonpolitical stories since they themselves either discount information from outside the political arena, or self-censor since editors give little or no credit to this kind of coverage. Journalists do not want to be considered "reporters"; they would rather be associated with "serious" journalism, particularly commentary.

Technical facilities and equipment for gathering, producing, and distributing news are neither modern nor efficient in Montenegro. Most TV stations are not in a position to cover more than one event at the same time because of lack of equipment, as well as poor editorial judgment and resource allocation. Also, print media lack the equipment to make a more appealing presentation of content that would benefit readers and advertisers. Networking is only beginning, hampering newsgathering from the field. The overall result is a serious impediment to quality journalism.

MSI media experts discussed the fact much technical equipment has been donated by foreign foundations or NGOs, since domestic media lack the financial means to update equipment. The situation, it was mentioned, is worsened by the overwhelmingly high rents paid by private outlets.

Niche reporting and programming have been grossly neglected, though several media are planning dedicated economic, technology, and business reporting programs. A business news agency has just begun functioning, and the weekly and biweekly press is making inroads. Although basic news writing training is needed, advanced business reporting training is more urgent to help citizens understand the process of market reform. If journalists better understand this process themselves they will seek and provide more information to citizens. Although there is a comprehensive coverage of issues related to political life and governance, state media have the edge since government tends to favor them in terms of background and speed of information access. However, private and state media alike rarely question the merit of government information and even less often employ other sources to shed light on more than just one aspect of an issue and inform people in an unbiased, diverse, and reliable way. Coverage of the Montenegro/Serbia conflict tends to be biased according to the partisan affiliation of media outlets.

The panel stressed again that investigative journalism is in its infancy, and that experts in this area are few. Most of the discussants agreed that the lack of formal journalistic education is a huge handicap, but they thought that the newly set up Media Institute would gradually fill that gap.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

The media market in Montenegro could be described as saturated for a tiny country with a population of just over 600,000 people. Some 30 radio and TV stations, more than half of them private, compete for market share, and five daily papers as well as three weekly or biweekly magazines keep citizens posted on developments. In addition, there is a sizeable circulation of Serbian press in Montenegro, contributing to the variety of information sources by not only quoting from the Tiker, Fonet, Beta, and Tanjug news agencies, but by offering international news coverage as well. For the most part, media in Montenegro cover local, national, and international issues and events. MSI panel participants stated that regions have a poorer choice and are mostly confined to radio broadcasting and state television. The group stressed that recent political crises and confrontations impacted the content of state media programming; it now deals overwhelmingly with political and governance issues of national importance. Thus cultural, educational, and local news are often treated as topics of marginal importance, to be picked up by independent media.

More than 30,000 people are estimated to have access to computers in Montenegro, with half of them having readily available Internet access costing DM 2.2 per minute, an amount which buys five loaves of bread. With the number of telephone subscribers being 180,000 the market could expand rapidly if more service providers were permitted. There is only one Internet café in Montenegro, in Kotor.

Print reaches urban and rural areas alike, and state TV enjoys the best delivery of signal in this country of rugged, mountainous topography. Only a combination of local and regional independent TV stations can match the performance of state TV in reaching the entire country, as was demonstrated through the efforts of the independent public affairs producer, M-Production, to provide election campaign coverage.

In terms of citizen access to domestic and foreign information, there is a difference between broadcast and print media. Foreign TV satellite and radio programs are easily available, but foreign press is by and large unavailable to the average citizen due to prohibitive prices. While there is a total lack of non-Serbian-language newspapers, just a handful of international magazines like *Paris Match*, *Time*, and

Vogue are available from select street vendors. Discussion participants stressed that there are no legal barriers to the development of ethnic media, but they have limited coverage due to language difficulties and the financial, personnel, and technical obstacles common to all independent media. Cable TV is unknown except in Budva, where a small municipal network is operating free of charge.

Although state media are making inroads in improving coverage of the entire political spectrum, there is still a lot to be done to provide the public with unbiased information with which to shape an educated opinion. During the recent election campaign, state TV did indeed open its programs to alternative views, even though clumsily, and with a preference for the ruling block shining through. Editors may view their role as gatekeepers in a nonpartisan way but this is not always reflected in their output, which is biased towards officeholders rather than office seekers. Since the opposition is overwhelmingly pro-Serbian and only controls one major TV station and newspaper, most independent electronic media happen to be siding with the pro-Montenegrin government. State media do promote educational and cultural programming by special shows on cultural events and reform of the education system.

There is one private news agency in Montenegro, Montena-fax, which supplies media and other subscribers with chiefly political information. This agency has relied on press releases and the coverage of official news conferences, resulting in reactive rather than proactive reporting. The agency seldom offers analyses and stories that go beyond the political arena. All media use Montena-fax's affordable product, the chief reason being the lack of other agency sources. With donor support, a business news agency, Montena-business, has started and cooperates with Montena-fax. This has improved Montena-fax and led to a better variety of coverage.

Independent broadcast media produce their own news programs, but almost all news bulletins are based on agency material rather than own reporting. Although private radio stations (Radio Montena, Niksic, Antenna M) offer attractive news and current affairs programs with professional packages, reasonable sourcing, and live elements, these TV stations are clearly lagging behind state TV in terms of national and international coverage. This is chiefly because of lack of equipment and funding as well as poor professional skills. The content of publications and programs reflects partisan ownership, and journalists appear to accept it this kind of interference.

The mandatory imprints in the newspapers certainly do not help transparency of media ownership, though at least the name of the responsible editor is indicated. Commercial courts may hint as to who media owners are, but hardly anyone looks for that type of information there. On the other hand, Montenegro is such a small country that most interested parties seem to be aware of ownership, and papers are certainly read along partisan lines. In the TV business, however, apart from well-known figureheads, powerful financiers remain in the background.

The panel agreed that media ownership is nontransparent and that the public, for the most part, is unaware of the owners of independent or private media. That causes speculation about and reaction to information. Law on media ownership is subject to interpretation.

There is no media monopoly in the country, but apart from the powerful state broadcasters there is only one media house that is sometimes referred to as the Berlusconi of Montenegro: Vucinic's Prevalitana group, which owns Montena-fax, Montena TV, and Radio Montena. If Prevalitana were to become a strategic takeover target for a foreign media mogul, it might become a source of considerable influence.

There appears to be broad consensus among key stakeholders to sideline issues regarded as thorny, including crime, ethnicity, abuse of power, mismanagement, and so on. Only one (legal) media organization, radio Mir in Tuzi, broadcasts for the Albanian minority and covers all their territory along the border with Albania and Kosovo.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

There is only one private distribution firm serving about 150 of some 500 existing newsstands in the country. They allow distributors a higher margin than state operators, and pay on time, unlike state-funded outlets. However, the company, BegaPress, has problems in obtaining the right selection of foreign newspapers and magazines from the sole monopoly Balkans distributor, Stampa Triestina. Since the northern parts of Montenegro are greatly dependent on state distributors, they suffer from a selection of media that is not representative of the whole available spectrum.

The panel participants expressed a general dissatisfaction with the distribution networks for print media, stressing their inefficiency. Although there is a private network now, it suffers inherited weaknesses from the previous centralized system. The lack of distribution of evening editions was mentioned as a major shortcoming.

Montenegro has no shortage of printing facilities and there are private as well as state-owned printing houses. All of them generate good revenue and are reasonably managed. The group mentioned that the only state-owned press house, Pobjeda, renders services to independent media without discrimination, but its priority clients are still the state media.

The absence of efficient media management in the private sector results in deplorable levels of income and revenue. Managers are poorly trained to run businesses, as they are often drawn from the pool of former journalists who know only outdated principles of a command economy. For some of them, profit generation is either unnecessary or amounts to an indecent undertaking. Many are aware, though, that modern business administration know-how would help, and a recent survey has shown that news on marketing, business opportunities, and technology is considered required information for business management. Product appeal is underdeveloped and managers have a narrow focus on readers, listeners, and advertisers.

MSI panel participants agreed that media in Montenegro generate revenue from a mix of sources. In the case of private print media, advertising income is about 10 to 30 percent of revenue; in the case of partisan papers and magazines, founding organizations and/or donors provide the income. In the field of private broadcasting, revenue is generated exclusively through commercial advertising. However, advertising agencies are almost unknown and marketing as well as efforts to sell airtime are in their infancy. Organizations like UNEM are beginning to pool advertising efforts, thus benefiting from their large intake. Prime-time programming and marketing has improved but market research must be used in a more structured way to generate additional revenue. Discussants stressed the unfair competitive advantage enjoyed by state media, whose budget subsidies allow them to discount ad prices.

Funding from advertising in the independent electronic media is estimated at more than 60 percent; in the print media sector the percentage varies but is thought to be 50 percent retail and 50 percent advertising in the case of *Vijesti*, the high-circulation Podgorica daily. The rest are estimated to earn some 20 percent through advertising and the lion's share from retail and donor funding.

There is no advertising agency operating in the country and commercial spots look generally poor unless they are produced abroad. In state media, because their footprint attracts most advertising, the ad

percentage of total airtime is probably best expressed in low one-digit figures. In private station programming there is more advertising because of lower rates, but they still generate far less revenue from this income source than the state.

Media managers in the private industry often argue that they get less of the revenue cake than should be the case because of dumping prices offered by state TV. However, if private media really offered more attractive programs they could well make better profits; the same goes for sales efforts. Also there is a total lack of strategic partnership between editorial and marketing executives to spike quality programs with ads. Since this is not done, advertising revenue does not reach a percentage of total revenue comparable with commercial standards. Under those circumstances the authority of editors goes unchallenged and marketing does not appear to influence program making.

The question of independent media receiving government subsidies remains open to speculation. Although few outlets openly admit to state subsidies, most take them in one form or another, such as reduced line charges, high subscription rates invited by the state, and waiver of license fees. At present, it would appear that the state does not make use of subsidies as a potential leverage on program planning, but government openly pays for special programs like official activities, and advertising such as tender documents and job notices. Both state media and their independent competitors receive ads from political parties, with the lion's share going to the private sector. The discussants mentioned the idea that government could consider an impartial financial bid (similar to the financial help stimulating the NGO sector) to partially, at least, mitigate the independent media problems.

Media in general is not known to strategically order and apply audience surveys, ratings, or other market research tools. These kinds of business instruments are generally arranged by foreign NGOs. However, state TV has recently commissioned a rating survey with the local DAMAR research company. Results have not been made public. It may be that their cooperation with the German public broadcaster ZDF (advising them in transforming to a public service broadcaster) may be the reason for nondisclosure. Although private broadcasters try to apply survey results, they are not yet translated into adequate news and current affairs programming and slots. It did come as a total surprise to most radio programmers that radio's prime time is around 10–11 am, rather than in the afternoon as had been assumed. However, it will take donor-financed consultants to help change patterns.

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

Montenegro's private media have only recently started to address the question of lobbying for and protecting their interests. Montpress, the organization of publishers, and UNEM (Union of Independent Electronic Media of Montenegro), which is the organization of electronic broadcasters, provide services to their members mostly with the help of foreign donors. Whereas Montpress has not been very active since its efforts to supply newsprint to members during the late Milosevic period, UNEM has recently launched a public campaign to establish a new broadcasting law. It is seeking to liberalize the broadcasting sector by introducing an independent regulator and transmission system, as well as transforming state broadcasting into a public service broadcaster. The present legislation lacks a broadcasting law and cements the state's grip on licensing and frequencies. UNEM is also working on a professional marketing pool and new, competitive programming principles based on professional research.

There are a number of professional organizations assisting journalists with their work. The Organization of Professional Journalists, The Association of Young Journalists, and the newly formed Journalists' Trade Union command comparatively little influence, and it might be possible that some of them were established to tap donor money. On the other hand, media workers do not yet fully appreciate the impact of lobby groups in defending their interests against potential attacks from outside. The Young Journalists have carved out a niche by offering their experience in election monitoring. This association is also conducting a campaign against state monopoly and for state media to be reformed into public service outlets. Little legal advice is offered though, and only a handful of lawyers are beginning to specialize in this sector. Membership is not generally restricted, but entrance criteria are based on professional standards.

The general opinion expressed during the discussion was that relations between business associations and independent media are underdeveloped, fragile, and marginal. Media associations on the other hand are rather numerous, but still quite inefficient. There was a criticism that these associations are not very active in promoting the professional development of journalists through educational programs, exchanges, and consultations.

International organizations including IREX, the Open Society Institute (OSI), Media Consult, the Center for Democracy and Human Rights (CEDEM), Article XIX, the Friedrich Ebert Foundation, Norwegian's People's Aid, the Swedish Helsinki Committee, and Press Now act as watchdogs, help bring about legislative change, and provide training. They also have assisted in the formation of the Montenegrin Media Institute. The majority of these organizations have offices in Podgorica; some come from Belgrade.

During the last couple of years efforts have been undertaken to train journalists locally but only recently the Montenegrin Media Institute came into being. In the absence of university education for journalists, much hope has been placed in this new school, which may open degree courses at a later stage. Although various organizations offer academic education, such as degree courses abroad, one of the problems potential candidates are faced with is the lack of the necessary foreign languages. Because of the changing situation in Montenegro, most students are assumed to be willing to return after studies overseas. For the time being, the MMI and hands-on training will aim at alleviating problems. The state will soon have to decide on establishing a media faculty for which there is now a lack of funding and professional staff.

There is no newsprint production in Montenegro, and printing houses as well as media themselves are importing newsprint. If custom fees are properly paid there is little the state could do to restrict import. The panel did not know of any case in which printers may have refused a job for political reasons. State-owned printing outlets are known to also print private and independent publications including the Niksic-based independent *Onogost* weekly.

Most channels of media distribution appear apolitical, but individual sellers may refuse to openly offer certain print products that may not reflect their own political opinion. For the time being most transmission facilities are owned by the state-owned Telekom, but this company will be privatized shortly. Some broadcasters operate their own transmission equipment, although it may be fixed on Telekom's masts. It is probably fair to say that government has not controlled broadcast transmitters in any way recently.

Montenegro has one Internet service provider, allegedly owned by private capital, even though the state has some involvement in it. Discussants mentioned that distribution of information through the Internet is not limited in any way. The opinion was expressed that Internet media updates are not yet popular and that using the Internet as a source of information was precluded by insufficient foreign language skills.

List of panel participants

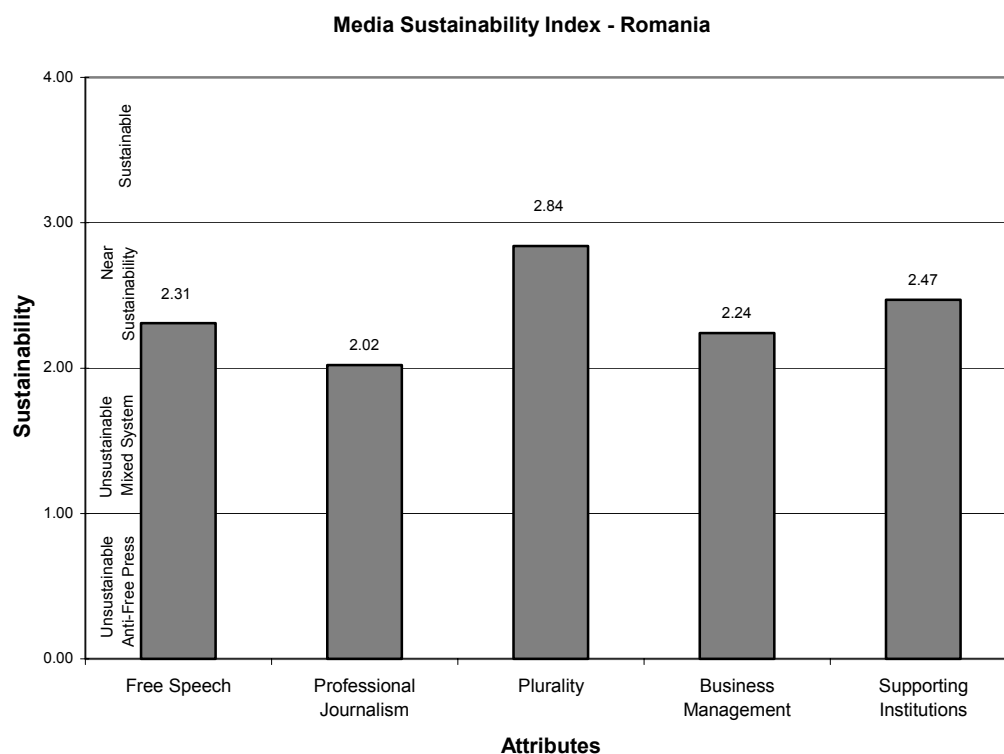
1. Miodrag Perovic, Founder and joint owner of *Monitor*
2. Ljubisa Mitrovic, Editor-in-chief of *Vijesti*
3. Momcilo Stojanovic, Editor-in-chief of Elmag TV
4. Vojislav Raonic, Director of the Montenegrin Media Institute
5. Velibor Covic, Editor-in-chief of State Television
6. Zoran Ljumovic, Director of Antena M Radio
7. Sasa Brajovic, Executive Director of the Open Society Institute
8. Milan Popovic, Professor at the Law School

Romania

Introduction

The November 2000 elections brought the Social Democratic Romanian Party (PDSR) to power and returned former Romanian president Ion Iliescu to the presidency. Media outlets, both private and state, started to discourage journalistic investigations into the ruling party and state institutions. Moreover, there have recently been some activities aimed at limiting freedom of information:

- an attempt to pass a restrictive Classified Information Law (ruled unconstitutional by the Constitutional Court at the initiative of opposition parties);
- an attempt to empower departments within the interior and defense ministries to collect information on media professionals;
- an attempt to place all five intelligence services in Romania under a single umbrella organization accountable to the president; and
- an attempt to reverse changes in the criminal code initiated by the former government (currently adopted by the Chamber of Deputies and pending debate in the Senate), in order to prevent the repeal of provisions on criminal defamation.



Scoring System

- 0** = Country does not meet indicator; government or social forces may be actively opposed to its implementation.
1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.
2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.
3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.
4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

- Above 3: Sustainable and free independent media
 2-3: Independent media approaching sustainability
 1-2: Significant progress remains to be made; society or government not fully supportive
 0-1: Country meets few of indicators and government/society actively opposing changes

Attribute #1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

The Romanian constitution guarantees in very general terms the freedom of expression and speech (Article 30). At the same time, the vagueness of constitutional language allows interpretations that could limit free expression, particularly through clauses regarding “information which could affect the development of the young generation” or “the environment.” Romania does not have a freedom of information law, although both the Chamber of Deputies and the Senate have adopted their own versions that will need to be reconciled. The separate bills are both fairly liberal and were drafted with the strong backing of NGOs (Center for Independent Journalism, Romanian Helsinki Committee). Some of these NGOs attended the discussions of the draft laws with the Media Committee of parliament and the final version considers most of their points. The current drafts reinforce the right of citizens to broad access to information, attempt to define what is public interest, regulate the limited access to some types of information, describe the duties of public institutions in providing information and, discuss deadlines for releasing information to the public. The drafts also define the penalties for infractions and the procedures for seeking remedies if authorities refuse to comply with guaranteed access.

Romania’s Law on State Secrets, first adopted in 1971, has been revised several times, but it still carries much Soviet-era communist language asserting, for example, that protecting state secrets is a “duty and a moral obligation” of all citizens, representing “a measure of their loyalty to the country.” The law vaguely defines state secrets and also allows for a variety of institutions to create their own lists of “professional secrets.” It does not provide for a declassifying procedure, which would allow intelligence services to

assist central and local authorities in launching protection systems for their professional secrets. The latest revision of the Law on State Secrets was presented to parliament in early 2001; opposition parties contested it in the Constitutional Court, and it was ruled unconstitutional on procedural grounds.

The panel participants agreed that the Romanian constitution guarantees freedom of expression in general terms, but they mentioned the lack of regulations which could enforce the constitutional principle: "The legal framework is nonexistent." Another panelist said that "not having too many laws on journalism is not necessarily a bad thing, the constitution should do in a stable democracy." Moreover, he stated, given the current political elites, media should be very cautious about any new legal initiatives.

Freedom of expression is not a high priority on the Romanian public agenda and restrictions do not usually cause public outrage. Media professionals are sometimes divided on this issue. All panelists agreed that only a narrow segment of society values freedom of expression as an important pillar of democracy. Participants pointed out that public interest and public information are not clearly defined concepts in Romania, which creates many obstacles in obtaining information and in guaranteeing equal access to it. Panel members mentioned that state institutions often prevent reporters from accessing information of public interest, and it is often the case that access to public information is limited to journalists with personal connections. Because there are no regulations in force, heads of public institutions still enjoy unlimited power to control access to their databases. One panelist said that when asked to provide information, state authorities usually do not respond.

The institution which controls broadcast licensing is the National Council of Broadcasting (CNA), operating since 1992 and completely controlled by the parliament. CNA grants licenses for radio, TV, cable, and satellite broadcasting, and monitors programming, electoral campaign regulations, and decisions on advertising on private TV stations. The eleven CNA members are appointed for four-year terms by the president, the government, and the Chamber of Deputies and the Senate. This procedure allows for a lot of political bias, especially when the president, the government and the majority in the chambers belong to the same party. The procedures for licensing are competitive, but many doubt their fairness. Several panel participants blamed the CNA for the "totally corrupt" process of licensing. The corruption, they said, is "democratic: all parties are represented in the process." There are no publicly available criteria for selecting the winners of the bids for frequencies, and procedures for evaluating candidates are vague. This, panelists pointed out, turns the decisionmaking process of the CNA into "a game of political pressures and classical corruption." Many members of the council are co-owners of more than 25 private radio stations all over the country. MSI panel participants coming from the countryside said CNA's procedures are even more destructive for local media. Another panelist believes that CNA members tried to discourage those license-bidders who were planning to include in their programs retransmissions from foreign radio stations (such as BBC, Free Europe, Voice of America, and Radio France Internationale).

Market entrance for media operations is as difficult as for all other businesses. Taxation is equally high for everybody. Media products are subject to a 19-percent VAT, as are all other products in Romania. There is also a local "tax on advertising" (from 3 to 11 percent). Moreover, starting from 1997, the media sector lost most of the preferential treatment previous governments had introduced, including the lowest level of value added tax (VAT). The Romanian Press Club is lobbying the government for a preferential tax rate on media products. All panelists complained that taxes for media were high, and many of them argued for special consideration (reduced taxation) for the press.

Serious crimes against journalists are rare, but the law does not provide for any kind of special protection for media professionals. Though not physically attacked, local authorities, especially in the countryside, often harass journalists. Several panel participants agreed that many journalists feel insecure and unprotected, because though rare, incidents of violence against reporters are not investigated properly and perpetrators often remained unknown. Libel is a criminal offence in Romania (Articles 205 and 206 of the Penal Code), punishable by a fine or imprisonment for up to five years. Last year, more than 50

Romanian journalists were sued under criminal defamation laws; 20 of them received suspended prison sentences and the rest were fined. In some instances lawsuits are initiated on the grounds of publishing official reports, letters from readers, or even cartoons. According to Romanian legislation, the defender is the one who has the burden of proof, whereas the offended party does not have to prove falsity and/or malice. Even if journalists are acquitted under the Penal Code, they can still face civil suits and get fined for “image spoiling.” Fines are very high by Romanian standards (US\$400-20,000; the average monthly salary is about US\$100). Article 238 of the Penal Code sanctions an “offense against state authorities,” a crime punishable by fine or imprisonment. Dissemination of false information, offence to state symbols, and defamation of state and nation are also criminal offences.

The former justice minister, Valeriu Stoica, initiated modifications to the penal code in order to bring it in line with international standards. Even if his modifications fell somewhat short of achieving complete decriminalization they were a big step forward. The revisions were passed by the Chamber of Deputies in 2000 and were pending debate in the Senate. However, in May 2001, the media unveiled the fact that the current Justice Ministry was working on a draft law to reverse the changes adopted by the Chamber. Article 238 was to be reinstated, with even more restrictive provisions: not only persons representing authorities, but also institutions (presidency, parliament, government, constitutional court, ombudsman, etc.) were protected by this article. The media and NGO community protested, but it is still possible that the Senate will endorse such changes.

Panel participants agreed that investigative reporters are the most exposed to risk. They noted that reporters rarely enjoy public compassion; indeed they often feel hostility directed at them. One panel member said, “Violent crimes against journalists are still absent in Romania, but just because we are lucky.” All the participants complained about the judicial harassment of journalists and stressed that it is the main way to inhibit freedom of speech. They noted that Romanian judges show incompetence when dealing with defamation and libel lawsuits: cases were not properly understood and sometimes documentation was not carefully reviewed.

By law, state media—radio, TV and the national news agency—receive no special treatment in terms of access to information. The boards of the national radio and TV are appointed by the president, the parliament and the government, but employees can also appoint their own representatives. In practice, state media get more official information, and their editorial content is affected by the control and information channeling exercised by the powerful of the day. State media programming is a mixture of “political influences and personal agendas,” said one panel participant. Oftentimes the political bias in the news programs is obvious. Several panelists argued that the compulsory subscription to state radio and TV envisioned by broadcast law is clearly preferential treatment of state media. For one of the panelists, the political obedience of state media is nowhere near to disappearing in Romania; the only “advantage” is that this servitude is more sophisticated than 10 years ago. Another panelist mentioned that state outlets have a professional code of ethics, but news departments are completely controlled by politicians.

The national news agency is in a very difficult situation. Prime Minister Nastase made it responsible to the newly created Ministry of Public Information, indisputably transforming it into a government agency. Once the main information provider, the national news agency has lost almost all its clients to the private news agency Mediafax. Panelists agreed that media outlets have unrestricted access to news agency information. The only limitations are the high costs for Internet connections and news agency subscriptions. Participants unanimously agreed that, basically, there are no legal restrictions to the free flow of information. No special restrictions are imposed or licenses are needed to join a journalism school or the profession.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

Romanian journalism does not distinguish between fact and opinion. Many journalists feel free to express their personal opinions, which mislead some readers into expecting “guidance” and solutions from journalists. The MSI panel believed that there is a lack of professionalism in Romanian media, especially in the local outlets and in the tabloid-style media. They noted that there is no concern for objective information and the lack of carefully checked news is often coupled with a lack of respect for their users. The low level of education among reporters contributes to the low quality of their products. Several panelists agreed that the quality of journalism had not improved significantly in the last few years. One panelist said that Romanian journalism had witnessed a “devolution” of professionalism. Given the fierce competition in a large but poor market, media outlets yield to sensationalism. Scandals, crimes, rapes, acts of violence, or celebrity events are holding the front pages of most newspapers. Key issues for the Romanian society in transition (privatization, political and institutional reforms, EU accession) are addressed in a rather “technical,” dry and dull way. Cases of corruption are revealed almost every day, but investigations do not go much beyond the surface or proceed solely based on information leaked to editors. Poverty, health care, and unemployment are topics rarely covered by media, which focus more on high-level politics. Local media do a better job serving community interests and providing local readers with practical information.

Journalism ethics is a topic for seminars and meetings rather than a day-to-day concern for the media community. Although some media professionals have suggested the adoption of an ethical code for all journalists, this seems impossible because of the lack of solidarity among them. The only group that has adopted and is consistently enforcing such a code is the Association of Hungarian-Language Journalists. There are numerous examples of the unethical attitudes of media professionals. Although nationalistic, offensive language is less apparent today, journalists still use disparaging terms to describe the Roma population. In crime reporting and in comments about social problems, the ethnicity of Roma perpetrators is mentioned on a regular basis. There are also cases of journalists taking bribes to write favorable articles, but the practice is not too widespread. One panelist said that the journalistic profession lacks self-control and self-regulation. Moreover, he added, one can notice the appearance of “Mafia-like” regulations, with one association claiming to represent the only authority in the media field. To him, these were signs of the “cartelization” of media.

Separation between editorial and business aspects of media management does not exist and often journalists are prevented from covering certain topics by business interests. A number of public institutions—courts, the church, the army—do not grant journalists access. Panelists agreed that there are famous journalists who are paid to support and promote the interests of certain financial and political groups: “There are journalists paid to write or to keep silent about certain topics; this distorts the goals of the profession.” Other journalists are pressured by editors not to cover certain topics; still others get the editors’ instructions on preparing final conclusions. The harsh punishments in the penal code also push journalists to self-censorship: “Self-censorship is a frequent phenomenon; the idea of conscience simply does not exist any more.” Many papers, in an attempt to avoid possible trouble, print a disclaimer stating that journalists are solely responsible for the content of their articles.

The average reporter's salary is a bit higher than the national average income (around US\$80-100). According to panelists, this is not high enough to discourage corruption: "Journalists are earning a bit more now, but it is totally insufficient to withstand temptation." There is no disparity between salaries in print and broadcast media (except for TV celebrities). Journalists in the countryside tend to get smaller salaries. Many panelists complained about disparities between private and public media incomes (private media pay higher salaries) and between journalists of one and the same newsroom. Panelists mentioned that freelancing is not very popular, because media owners do not trust those who contribute to several media outlets. One participant complained about the trend toward burdening journalists with too many tasks, so that "they use their work time to the full." Because of high taxes, many media outlets prefer to hire journalists as contractors and pay them less than salaried staff. In some media organizations, journalists receive small fixed wages (taxable to the employers) and bigger sums as "bonuses per article" (taxable to the journalist). This system forces journalists to focus more on the number of articles than on their quality. One panelist said that for some people journalism is a springboard to higher positions in business or politics. Some experienced journalists move to other professions (especially to public relations and communications) mainly for more lucrative salaries.

News remains the most important part of media programming. Radio stations air news every hour during the day, with two or three more detailed programs in the morning and in the evening. TV stations also center their programming on news. Even if entertainment programs enjoy large audiences, news is always at the top of ratings. Entertainment programs are interrupted for breaking news or live transmissions. Although newscasts enjoy most of the audiences' attention, "infotainment" has also gained ground recently. Scenes of domestic violence, crimes, and local political or administrative scandals have begun to take hold in programming. Panelists agreed that sensational news and yellow journalism are clearly present in many TV programs. "Public opinion is manipulating the media by its preference for entertainment. There is also a trend to focus on the show-like aspects of newscasts rather than on their content." All panelists agreed, however, that entertainment is still far from eclipsing the news.

There are serious disparities in terms of access to equipment among various media outlets. The most powerful outlets (including the national state media) have high-tech equipment, including digital technology; smaller operations tend to use old-fashioned technology. The high cost of communications (phone, fax, Internet connections) severely restricts access to information in the smaller newsrooms. Many newspapers, especially those in the countryside, have bought second-hand printing facilities from abroad, trying to gain more independence. Panelists agreed that the level of technology is not directly influencing the quality of programming, but does have an impact on working conditions: journalists have to work harder to keep up with the competition.

Many panelists complained about the low level of education for journalists and the lack of specialization in different types of reporting. They mentioned that the number of good specialized reporters is small. "The only quality niche reporting in Romania is sports," said one of the participants, adding that "niche journalism is poorly understood." The group also agreed that the newsrooms' middle-level management is not able or willing to provide the much-needed coaching for younger journalists. Participants also stated that journalists are rarely familiar with the country's legislation. One member gave an example of how for many years most media outlets have preferred to send only inexperienced journalists to report on government affairs, which resulted in some misinterpreted information and poor reporting.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

Romania enjoys access to many public and private news sources. It is generally believed that the multiparty system and the multitude of media outlets are the only indisputable achievements in the country after 1989. A decade later, more than 14 Bucharest-based daily newspapers are on the market. In the main cities, one can get 3-4 local daily newspapers. About a hundred magazines and monthly publications are distributed nationwide. New private broadcast media outlets have been launched, mostly after 1993. In Bucharest, the national station Antena 1 started operating in 1993; TheTele-7 abc channel was on in 1994; the nationwide PRO TV went on air in December 1995; and Prima TV was launched in 1997. Numerous smaller TV stations are operating in the countryside. Since 1992, 235 TV licenses have been awarded and 115 stations received operating authorizations (CNA report, at <http://www.cna.ro/licente.html>). There is at least one TV license granted in 39 out of 42 counties, while TV stations are operating in 37 counties.

Starting a broadcast operation involves a two-step process: getting a license from CNA based on a project, then an operating authorization from the Communications & IT Ministry, certifying that the technical criteria in the project submitted to the CNA were met.

Public television has three channels. The first is national and its programming contains mainly news, current affairs, and entertainment. Public TV is reputed to pay more attention to the government than to the opposition, a condition that does not change with new governments. Many editors and journalists do not understand their public service role and the duty to be nonpartisan. The second public TV channel airs more educational and cultural programs and its audience rates are improving. The third station, TVR International, is perceived as a tool for keeping Romanians abroad in touch with Romanian realities.

Over the last ten years authorities have received more than 1,800 requests for radio licenses. The CNA has granted 301 local radio frequencies, and in 2001, 231 radio stations were operational (CNA report, at <http://www.cna.ro/licente.html>). Most of these are located in Transylvania (119 licenses, with 86 authorizations) and Muntenia (61 licenses, with 48 authorizations). All 42 counties of Romania have been granted at least one radio station license, and there are 41 operating stations. Public radio broadcasts on three channels, providing news, culture, and programs for the young. Public radio programs are more balanced and better represent the mission of a public broadcast service.

In rural areas, small incomes make print media a luxury. A daily newspaper costs up to 12 cents; a weekly or monthly magazine costs an average of US\$1. Moreover, the distribution system is rather slow and inefficient. Newspapers can take more than 24 hours to reach readers in the countryside. TV set owners, however, can receive national public television no matter where they are located. The same goes for the national radio broadcast. While urban centers can get many TV stations via cable, rural areas receive only the national state radio and television programs. People cannot afford satellite dishes, because of the high price—about US\$150. Only 9 percent of TV subscribers own a satellite dish (Communications and Information Technology Ministry (CIT), http://mcti.ro/Comunicatii/indicatori_CO.htm). As a rule, bigger cities have better chances to access multiple news sources. Some central papers print two different editions each day: one closing early in the evening, to be distributed in the most remote cities, and

another, closing around midnight, to be distributed in Bucharest and neighboring cities. However, it is harder for publications from the countryside to be distributed in Bucharest or in the regions other than the one in which they are published or printed.

Cable channels include programs from CNN, BBC, Euronews, TV5, Arte, three Italian channels, Discovery, Animal Planet, National Geographic, TVE (Spanish Television), ZDF (German), RTL, Pro 7, the Cartoon Network, Fox Kids, MTV, VH1, and MCM, as well as TV Dubai and some Turkish channels. In 2001, 71 percent of TV owners had cable: this is the highest rate in the Central and Eastern European Countries (CEE) countries (CIT, http://mcti.ro/Comunicatii/indicatori_CO.htm). Meanwhile, 560,000 Romanian households do not yet own televisions.

Panel participants agreed that Romanians enjoy a plurality of public and private news sources. But they noted that the relatively high prices are affecting public access to a number of media products. Panelists were unanimous that urban areas account for the highest readership and broadcast audiences: "People in the countryside cannot afford to buy a paper every day." Rural areas are not only poorer than urban ones, but also less interested in issues of national importance in political, economic, and social realms. They are usually more responsive to local information. Several panelists stated that print media are much less in demand today, given the ever-increasing level of poverty all over the country. But the decrease of the number of people buying newspapers is paralleled by the increase of those watching TV, definitely a cheaper source of information: the panelists concurred that "as people get poorer, papers lose circulation, but the national TV gains new viewers." Participants agreed that for the rural areas the only TV channels available are state-owned. Cable TV does not reach the majority of Romanian villages, with the exception of the western parts of the country. One panelist stated that Romania has less than 400,000 Internet users. Panelists also agreed that the media landscape might look diverse, but the real power is concentrated in the hands of a few media conglomerates.

Romanian legislation sets no restrictions on access to foreign news (print, broadcast, or the Internet). The only limitations are the prohibitive prices: a foreign magazine costs approximately US\$5. Panel participants confirmed these observations: "International press is hardly affordable in Romania and it remains largely unread." They also added that foreign editions could only be found in Bucharest and a handful of other big cities. The use of the Internet as a news source is very limited: relatively few people own computers and the connection costs are rather high. However, Internet is regularly used at transnational companies and at many media outlets (although executives do impose some restrictions, due to costs). It is also used in universities and in some primary and high schools. Internet cafes are a flourishing business (rates stay at US\$1 per hour), but the number of people with Internet connections at home is small (3-5 per cent of the population). According to the data provided by the Romanian Ministry of Communications, some 5,000,000 people use the Internet on a regular basis. However, the Internet is used for e-mail, chat, and games rather than for information access: it is not generally perceived as a source of news.

There are several active news agencies in Romania. The most important is the private Mediafax, which, in only a few years, has managed to beat the state news agency ROMPRESS in the news market and has almost brought it to a state of collapse. Mediafax is now the main news provider to both public and private outlets in Romania, although the price of their products is rather high. There are some other private news agencies (A.M. Press, A.R. Press), but they are less popular than Mediafax. In early 2001, Nastase's government issued a decree placing the state agency under the control of the newly created Public Information Ministry. Several panelists expressed their concern over the affordability of services provided by news agencies; they stressed that a monthly subscription to Mediafax services costs US\$600-800, which many local media outlets cannot afford. Mediafax has no real competitor at this time, even with the existence of three other private news agencies. One of the panelists said that the state monopoly on information was being replaced by a private monopoly: "It is unhealthy to have a single powerful organization on the information market." Other participants agreed that Mediafax information often

“reflects the economic interest of their owners” and that it was “unhealthy to have a dominant private monopoly on the news market.”

On transparency of media ownership, many panelists pointed out that the public is aware of the majority of media owners. One participant mentioned that some owners even seek more publicity because it boosts their image and influence as media and business entrepreneurs. On the other hand, owners seem to hide other collateral businesses they possess, because they would like to keep the public unaware of the links between their media operations and their side businesses. “Transparency is not the rule,” said one panel member. Information on ownership is available through the chambers of commerce, but one has to be interested and committed to researching the issue. A trend toward consolidation of media ownership was noted. One panelist stressed that owners are not buying existing outlets, but creating new ones. Panel members agreed that the media market is too fragmented and overcrowded and it cannot tolerate such abundance of media outlets. Thus, panel members thought, a certain degree of merging of media outlets would be beneficial for media and for the audiences. One participant, currently working on a draft media antimonopoly law, said that the crucial question is the degree to which such a concentration is healthy, and that this issue is even more relevant given the level of interference of owners in editorial matters. Another panelist mentioned that a foreign media trust could dominate the Romanian market, by simply buying out one of the Romanian-owned media conglomerates. Most panelists were of the opinion that media owners interfere with editorial policies: “a definite yes: owners do interfere in editorial matters.”

There are two powerful media trusts now disputing ratings and audience shares: Media Pro (founded by Adrian Sarbu, a former movie director turned successful media boss), and Intact Corporation (set up by Dan Voiculescu, a close friend to Ceausescu’s family, now President of the Romanian Owners’ Association). Both media trusts have their own national television network, nationwide radio stations, newspapers, magazines, and distribution and printing firms. They are also successfully lobbying influential political and business circles. It is quite rare that big business conglomerates own media outlets.

Panel participants thought that minority press and broadcasters do not suffer from restrictions in Romania. On the contrary, seventeen national minorities (out of the 18 recognized in Romania) have their own publications, subsidized by the state budget. Their circulation is small, and the fact that some materials are in the minority language restricts these publications even more from entry into the national market. These editions are not sold in kiosks. Journalists working for the minority media complain about the lack of interest by the majority media in their work and publications. Some panel members complained, “Only key minority events are discussed by national papers.” The Hungarian minority media are a special case, since the Hungarian population constitutes the largest minority in the country. Romanian public TV and radio have special programs for Hungarians even though the timing and duration have been subject to unfavorable changes as compared to the period before 1989. There are nine local dailies in the Hungarian language, most of them based in Transylvania. Some Romanian-owned companies active in the regions where Hungarians live are launching Hungarian-language publications. Romanian media sometimes quotes Hungarian newspapers, especially when Romanian-Hungarian relations are discussed. In Transylvania, the Hungarian Duna TV channel (broadcast from Budapest) is generally receivable.

Panel participants acknowledged the efforts of smaller independent broadcast media to produce their own news programs, but noted that the quality of these programs is often unsatisfactory due to economic constraints. They agreed that journalists in local media work in more difficult conditions than those in Bucharest. One of the panelists, the head of a local branch of the national TV, stressed how important TV newscasts are for local communities: “At news time, the entire city is watching TV.”

Most of the panelists complained about the quality of national TV. All agreed that TVR does not fulfill its educational role. The head of a local branch of national TV said that the institution is not consistently funded, which forces it to compete with commercial outlets, to the detriment of its educational role. Another participant said that state TV was always seen as an institution obediently backing political

power, and that there are many cases when political leverage is used to gain personal benefits: “Personal agendas in the public media negatively impact the quality of the programming.” Participants agreed that the situation is much better in public radio, which preserves its high standards of educational programming. They also admitted that recently the second channel of national TV (TVR2) has improved its educational programming to include more art movies, educational documentaries, and cultural news.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

After 1990, printing houses were rapidly privatized. Buyers were insiders from the print field: typographers, famous journalists, and other media-related people. The panel agreed that printing companies are numerous, diverse, and well managed, and printing poses no obstacle to media development. The high number of printing companies keeps costs low. Several participants pointed out that influential media companies, such as MediaPro and Intact Corporation, have their own printing and distribution facilities. Many newspapers have their own printing presses. The only obstacle mentioned was the monopoly on newsprint held by the only print mill in Romania, the state-owned Letea Bacau; however the situation has greatly improved since the early 1990s due to the access to imported print.

Panel participants compared printing and distribution facilities: “Printing in Romania is good, but distribution is a disaster.... All print news media are private, yet the distribution system is state-owned.” The state-owned RODIPET distribution company still largely dominates the market and panel members commented that its business practices are neither fair nor loyal. The state network distribution was characterized as “slow, biased, and inefficient.” RODIPET has contracts with many publications and local distributors, but it gives preference to its own kiosks, which are the primary beneficiaries of all fresh editions. It is only after kiosks satisfy their markets of operation and are unlikely to sell more copies that RODIPET channels copies to private distributors. Moreover, RODIPET charges its clients for returning unsold copies. One panelist noted that the distribution system is Bucharest-centered and controlled. In order to sell nationally a newspaper produced in the countryside, the paper must be sent first to Bucharest, then distributed from there.

Two other important private distribution companies, HYPARION and NDC, were mentioned. They are trying to distribute nationwide, but their resources are limited. Moreover, they have copied the work habits of the state-owned distributor. Some panel members said that they distribute publications with delays of up to two or three days, act on a preferential basis, and sometimes impose “exclusive distribution” contracts on their clients. Another panelist stressed that the entire distribution system is based on “Mafia-like agreements” and that blackmail is not a rare occurrence in the relations between papers and distributors. Panelists agreed that the distribution market resembles a jungle and poses threats to the free flow of information: “Blackmail, sabotage and mafia—this is the distribution market here.” Another panelist said that broadcast distribution is in better shape. Transmission using ground relays is quite bad, but the cable and satellite transmission make up for it. Panelists agreed that, thanks to cable and satellite, broadcast companies are no longer dependent on state-controlled ground transmitters, which were used in the past as a substantial “manipulation tool.”

Romanian media outlets are hardly profit-generating businesses. Many media owners are regularly injecting funds into their media operations from their side businesses. Newspapers rely heavily on sales.

Subscriptions account for just a small part of the circulation (5-10 percent) and newspapers cannot count on guaranteed sales revenues. In order to encourage subscriptions, newspapers offer big discounts, which further affect revenues. Sometimes, subscription revenues do not cover even production costs, which are met by publishers: “subscriptions are subsidized by publishers,” noted panel members.

There are many advertising agencies active in Romania including some well-known international companies such as McCann-Erickson, Saatchi & Saatchi, Lintas, Tempo, Leo Burnett, BBDO, Exclusive media, MindShare Media, Scala Thompson Communication, and Young and Rubicam. Despite the large number of local agencies, some 80 percent of advertising revenues belong to international agencies. Obviously, the bulk of ad money (71 percent or US\$273 million) goes to television, while print media gets 20 percent (US\$78.06 million), and radio only 3 percent (US\$11.82 million). The two major commercial TV stations—PRO TV and Antena 1—get more than 60 percent of all the ad money for TV. Prices for TV ads are high—about US\$5,000 per 30 seconds. In the print market, the bulk of ad money (85 percent) is going to 10 print editions. The newspaper with highest ad revenues (19 percent), *Ziua*, is not among publications with the highest circulation (52,261 copies—certified by the Romanian Audit Bureau of Circulation). The same goes for *National*, a tabloid-style newspaper, which ranks second in ad revenues with 11 percent. *Adevarul*, the paper with the largest circulation, ranks only fifth in terms of ad profits. Advertising by state-owned enterprises presents a special case. These agencies are managed by the State Ownership Fund (FPS), also a big advertiser, known for distributing ads on preferential grounds. It is largely believed that FPS is trading ad money for silence, “bribing” newspapers for not publishing negative articles about the Fund.

Revenues from advertising are insignificant and fluctuate a great deal. Many panelists observed that the ad market is well “populated”: the main international actors are present in the country, but the economic situation has made that market unreliable and unstable. One panelist said that specialized publications and glossy magazines receive 80-90 percent of their revenues from advertising. At the same time, advertising accounts for only 20 percent of papers’ revenues. The panel agreed that only the nationally distributed print media earn a decent amount of money from ads. Panelists from the countryside said that advertising companies are not interested at all in local audiences and media outlets. Another panelist said that national publications often blackmail advertising agencies or clients in order to force them to sell advertising. The mafia-like structures within the advertising industry and influential media outlets are operational and effective, agreed several panelists. In the radio market, two major networks, Contact and PRO FM, have the largest share of ad revenues at 61 percent combined.

Private media do not receive public subsidies, agreed all panelists. However, some public money is directed towards private outlets, as was seen when the FPS bought enormous ad spaces in private newspapers. The FPS later silenced the newspapers when they attempted to report on privatization activities conducted by the Fund. “They bought themselves some tranquility with public money,” said one panelist. The most important daily newspapers in Romania have been blackmailed at least once by the FPS into working with them, alleged the panel. Public radio and TV stations receive state subsidies via subscriptions, which are obligatory. Also benefiting from state subsidies are the cultural magazines of national minorities. One panelist said that subsidies impact editorial content negatively, because they are granted automatically, with no evaluation of performance, and oftentimes based only on political grounds.

There is no tradition in Romania of using market research, even if there are some good polling companies offering this type of service. “Media do not use market research,” said panelists: “they hardly know it exists, they are not aware of how to use it, and on top of all that, it is rather expensive.” The research is expensive and media outlets cannot afford to commission the studies. Newspapers run some polls on their pages but their work can hardly be deemed professional or scientific. The foreign media companies (e.g., Ringier, Bertelsman, Romanian Publishing Group, and VNU-Hearst) that run a number of glossy magazines such as the Romanian editions of *Avantaje*, *Elle*, *Unica*, *Viva!*, *Cosmopolitan*, *Madame Figaro*, *FHM*, *Playboy*, and *Hustler*, conduct their own market research.

Local survey companies such as the Institute of Marketing and Polls (IMAS), the Romanian Institute for Public Opinion (IRSOP), the Center for Public Opinion and Market Research (CSOP), the Center for Urban and Regional Sociology (CURS), the National Institute for Opinion Surveys and Marketing (INSOMAR) and Metro Media Transylvania, tend to study circulation and audience ratings. To these, one can add the international polling companies AC Nielsen, Gallup, and Mercury. The Romanian Audit Bureau of Circulation (BRAT) is an independent, nonprofit organization whose members include 48 publishing houses and 9 advertising agencies. BRAT is currently working on a National Readership Survey, the first in Romania conducted according to international standards. Fieldwork is due to start in September 2001, while the first results will be released in the early summer of 2002.

One panel participant said that broadcast programs are meant to meet advertiser needs rather than the audience interests, and another added that media outlets produce what “they assume the audience would want to read, see, or hear.” The latter panelist also cited the case of his former employer (a newspaper dominating the five counties of southwest Romania) which commissioned a market research project to the local university, but which never bothered to use the product. Some panelists mentioned that there are professional groups on the market, but publishers and advertisers find that their final products are contradictory, their strategies are nontransparent, and their methodology is not shared with the media outlets. On the other hand, panel members noted that many broadcasters have put pressure on polling agencies in order to get higher rankings, which would lead to more favorable advertising agency contracts. One panel member said that in the print market, the circulation figures not audited by the Bureau of Circulation are highly unreliable. Even inside the Bureau, some members have tried to “negotiate circulation figures.”

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

There are more than 40 media associations in Romania: some of them are professional associations, others are trade unions. There are also associations of journalists specialized in the fields of environment, health, sports, and photojournalism.

The Romanian Press Club (CRP) is one of the most influential and elite clubs for media owners, publishers, media directors, and most recently, editors. CRP is active in lobbying the government on taxation. The Club designed a code of ethics, which was offered to the journalistic community for discussion but was not largely accepted. Editors of local media who are not CRP members have established other associations, the most important ones being the Association of Local Newspaper Editors in Brasov and the Association of Editors in Cluj. These associations are trying to promote the interest of their members, but on a smaller scale and with much less impact. The broadcasters have their own organization, the Association of Romanian Broadcasters (ARCA). The association does not deal with editorial matters, only technical and business issues. ARCA is very active and successful in lobbying the government for allocation of more frequencies to private broadcasters. The Foundation of Independent Radio Stations represents some 60 small radio stations from all over Romania. The Foundation protects the interests of local radio stations in a market dominated by big national networks. The Association of Local Print Distributors serves the interests of its members by protecting them from the “autocracy” of national distributors.

Despite the growing number of journalists' associations, most of them are low profile, inactive, or undeveloped. The most influential associations are actively involved in issues pertaining to journalism standards, protection, and benefits. The Association for Promoting and Protecting Freedom of Expression (APPLE) runs a program monitoring cases of attacks against journalists (see <http://www.freeex.org>). The Society of Romanian Journalists (SZR), an affiliate of the International Federation of Journalists (IFJ), provides its members with legal assistance. APPLE, SZR, and the Center for Independent Journalism (CIJ) are also collaborating on a legal assistance project. Associations do not share the same opinions on freedom of expression. Both the CRP and the Union of Professional Journalists (UZP) have drafted press laws, although the common view within the media community is that no press law is needed in Romania. APPLE, CIJ, the Media Monitoring Agency, and the Association for Transparency and Freedom of Expression (ATLE), convened on May 2-3, 2001 for a "Forum of Media Associations." They discussed economic constraints on editorial independence, relations between advertisers and editors, flaws in the legal media framework, and the professional solidarity of journalists.

The MSI panel complained that trade associations are inconsistent and ineffective. They also mentioned that "trade associations are protecting exclusively the interests of media owners, which is different from media interests." The only press association engaged in efficient lobbying in order to reach its short-term goals is the Romanian Press Club (CRP). Several participants accused the CRP of monopolizing the national press interests for its own profit and warned that this situation could have a negative influence on the long-term interests of media community. They mentioned also that ARCA in some cases sides with the government. There are a number of trade unions within the state radio and TV communities, but none in the private sector. Some of these trade unions have managed to negotiate benefits for their members but many of them are inactive. All panelists noted the lack of sharp distinctions between professional associations, trade unions, and media owners' associations. They agreed that the number of such organizations is disproportionately high compared to the needs of journalists. The lack of solidarity among journalists depends on "the lack of clear definition of common interests." One panelist said that associations remain heavily dependent on political power and are unable to do away with the communist-style methods of work. She added that there was a lack of balance between the strong and well-connected owners' associations and the weak and inefficient organizations for journalists.

There are quite a few human rights and media-related NGOs in Romania. The Romanian Helsinki Committee (APADOR CH) is particularly active in the legal field. APADOR CH and the Center for Independent Journalism (CIJ) are local partners for the Democracy in Practice regional program coordinated by the London-based organization Article XIX. This project is taking place in five countries within South Eastern Europe (Albania, Bulgaria, Croatia, Montenegro, Romania) and aims at improving freedom of information legislation and reducing the illegitimate use of defamation laws. The ProMedia II Program also works to improve media legislation. The program is run by IREX and the Independent Journalism Foundation in New York, through the CIJ office in Bucharest.

Other NGOs active in the field of freedom of expression and transparency are Pro Democratia, the Foundation for the Development of the Civil Society, the Romanian Academic Society, and Transparency International, Romania. Lately, some business associations have become interested in freedom of information and are exploring opportunities for cooperation with media associations. Panelists mentioned that "In Romania, there are more than 9,000 NGOs promoting cultural and media interests, but only a few of them are really efficient."

There are 14 journalism faculties within universities (both state and private) across Romania. The average number of students per class is 60, so the number of "qualified" journalists is huge. Journalism programs, however, are mostly theoretical and the faculty rarely has practiced journalism. Several panelists complained about the quality of journalism programs. One said that his experience with journalism graduates was disappointing, as they were not able to write a good news report. Students have no opportunity to get hands-on training, even though they go for three-week practical training seminars every year. Panel members also mentioned that there was no culture of coaching in most of the newsrooms,

while students do not know (and some do not care) how to make the best of their presence there. Most of the students join the profession for the wrong reasons: they love to write, want to be on TV, want to change the world, or simply want to get a diploma. The media market can absorb only a small fraction of the graduates (some 20 percent), while the rest go to public relations or communications-related jobs.

Journalism students have enough opportunities to study abroad. However, the information is not always properly circulated, so many people remain unaware of these opportunities. In other cases, students need to provide their own funding, which restricts the number of eligible candidates. Those who can cover their own costs are not always the best candidates. Some students studying abroad return to their country, while others prefer to work for international media. Starting in the fall of 2001, a special English-language program will be offered to select third-year students at the journalism school of Bucharest University. The program, developed by CIJ as part of the ProMedia II program, will include a strong hands-on component.

After the BBC School closed in June 2001, the Center for Independent Journalism remained the only short-term training provider for media courses in Romania. CIJ provides courses for journalists and journalism students, but also for students in connected fields (e.g., political science, economy, and law). CIJ also provides targeted assistance to media outlets. Most of the courses are taught by prominent local journalists and visiting foreign professionals from abroad. Courses in news reporting, news production for radio and TV, writing skills, investigative reporting, and photojournalism are in high demand. Panel members mentioned that few media institutions are interested in upgrading the professional skills of their employees. As a rule, these practical programs are much closer to the real needs of the profession than the academic courses.

List of panel participants

1. Alison Mutler, AP Bureau Chief in Romania
2. Mircea Toma, journalist, President of Association for Protecting and Promoting Freedom of Expression
3. Adrian Ursu, Deputy Editor-in Chief, *Adevarul* (the newspaper with the highest circulation)
4. Silviu Ispas, Executive Director, RABC
5. Zoltan Kovacs, Publisher & Editor-in-Chief, “Agenda” media holding (with a daily, weekly, an advertising agency, and printing house), Timisoara
6. Alexandru Lazescu, journalist, founder of the Monitorul network, the most successful network of local newspapers
7. Virgil Nitulescu, Expert, Media Committee, Chamber of Deputies
8. Daniel Diviricean, Head of the Internal Communications Department of the Romanian Government, a former journalist
9. Brandusa Armanca, Head of the Timisoara Branch of the public television and a university professor
10. Monica Macovei, President of Helsinki Watch Romania, media lawyer
11. Alin Teodorescu, Director IMAS (a polling agency)
12. Sabina Fati, Journalist, Radio Free Europe/Radio Liberty, Romania
13. Mihai Coman, Head of the Journalism Department of Bucharest University and Director of the Media University (a private journalism school)

Panel moderators

Claudiu Saftoiu, MSI coordinator

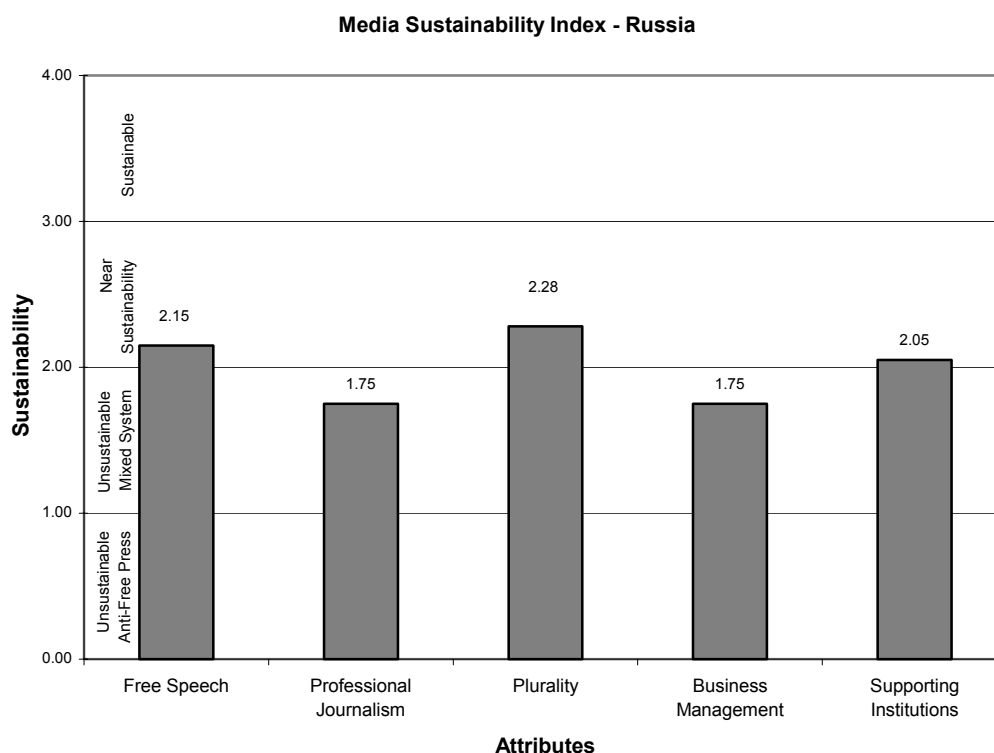
Ioana Avadani, Director of the Center for Independent Journalism (CIJ)

Russia

Introduction

Vladimir Putin's accession to the presidency in March 2000 marked a transition towards strengthening centralized governance. The media had to face new political realities as the federal government tightened control. This is not to say media were solidly independent under Yeltsin: almost all media were primarily representing their owners' political and financial interests, essentially becoming mouthpieces for political and business oligarchs. One achievement in Yeltsin's time was relaxed political control over media by the state. The Law on Mass Media (1991) and the Russian Federation Constitution (1993) remain the regulatory documents that guarantee free speech and ban censorship, but the reality hardly corresponds to the principles proclaimed on paper. Putin's coming to power has simply aggravated the contradictions that existed before.

Putin's doctrine of a "dictatorship of law" has come into natural conflict with the media market as it has evolved. In the past 12 months Putin's government has consistently tried to control the information field across Russia, which goes against large media tycoon's interests. The latest vivid example is the conflict between Vladimir Gusinsky, owner of the largest Media Most holding company, and the state-owned company Gazprom. As a result of the conflict, the highly popular television channel NTV and several print outlets owned by the holding company were taken over by new owners loyal to the government (May 2001). Confrontations continue between the authorities and Boris Berezovsky, a media tycoon currently forced to live abroad.



Scoring System

- 0** = Country does not meet indicator; government or social forces may be actively opposed to its implementation.
1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.
2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.
3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.
4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

Above 3: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government not fully supportive

0-1: Country meets few of indicators and government/society actively opposing changes

The second Chechen military campaign marked the comeback of censorship. Journalists who differed from the official line in their coverage of the Chechen war were persecuted. An international outcry was raised when Radio Liberty's Chechen correspondent Andrei Babitsky was arrested in January 2000 by the Russian military, and raised as well the public's concern over the fate of democratic freedoms and free speech under Putin.

The clear deterioration of the media situation in Russia in the past year brought to the surface other long-standing problems in the journalistic community. In a situation requiring journalists to serve owners rather than the public, professional ethics are scarcely followed at all. The Code of Professional Ethics adopted in 1994 with the Moscow Journalist Charter and signed by Russia's leading reporters remains a paper exercise. Self-censorship is common in the profession. Journalists who try to follow their mission honestly are protected neither by law nor by labor unions. The media community is split; the Russian Union of Journalists is inactive, which leads to attempts to set up new professional associations. Education in journalism lags behind the current needs of society because of the lack of financial resources and qualified faculty.

The state is clearly trying to exercise control over media through administrative leverage, monopolizing, selectively granting licenses, and using economic pressure. Media business performance is endangered in this context, and one cannot expect the same degree of financial viability and competitiveness as displayed by other businesses. Most periodicals depend mainly on their owner's investment. The ad market is limited, while financial groups tied to authorities strictly regulate market flows. Russian media are rapidly becoming over-commercialized, particularly television, where entertainment programs and ads have eclipsed cultural and educational programs. Media support institutions are either monopolized by the state or severely depreciated.

Attribute #1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

The Law on Mass Media (1991) is the basic regulatory act on media and any other amendments and additions are built upon this document. The Russian Federation Constitution, adopted in December 1993, states in Article 29.5: “The freedom of the mass media shall be guaranteed, censorship shall be prohibited.” The judiciary alone may rule on invalidating a media registration certificate (part one of Article 15), on termination and suspension of media activities (Article 16), on termination of media production (part 5 of Article 25), or to discuss any other legal conflicts. The key impediments to practicing freedom of speech arise from an underdeveloped legal culture and the weaknesses of the court system.

Journalists’ rights are restricted by executive authorities and press secretaries. Article 38 of the Law on Mass Media states explicitly that “government authorities and organizations, non-government associations, and their officials shall provide information to mass media about their work by holding press conferences.” This law is breached time and again. In March 2001, NTV correspondents Maxim Borisov and Alexander Fedorov were not allowed to attend a press conference held by the vice governor for the local fuel and energy sector in Primorie krai. According to Borisov, NTV journalists are not invited to important events and press conferences at all. The Glasnost Defense Foundation report on restrictions of access to public information states that this problem is most acute in Moscow, Chechnya, and in several oblasts including Rostov, Volgograd, and Novosibirsk.

All panelists thought that Russian laws on media are fully consistent with international norms and standards, but the major problem they mentioned was that the country is not abiding by these laws. As a panelist stated, “there is no major problem with the laws as such, the problem is that written laws are not of great importance in Russia.” Laws were (and are) completely inconsistent with both the development of Russian society and media sector realities. Laws and actual political, social, and economic life exist as separate realities. Another panelist explained: “Laws are good, but the country is not living by them: they exist on their own, and life continues on its own.” As in other business segments, a gray economy exists in media as well, and free speech is an abstract and meaningless concept when one bears in mind that almost all media are either owned by certain financial groups or indirectly controlled by the state. Although Russian laws guarantee minimum state interference, such interference tends now to be on the rise. State and financial group control is particularly strong in electronic media.

Adherence to legal principles in the regions is even weaker than in the cities: not only are federal legal provisions neglected, but regional laws often conflict with the federal ones. “Tataria and Kalmykia are simply living in the last century!” said one of the MSI panel participants. Society does not respond in any way even when aware of cases of offense in the media sector, because offenses are typical for all fields of life and have regretfully become a norm. Some MSI panelists believed the laws on media should be revised to make them more consistent with the reality. As one put it: “In my view, it would be best for society to pass a law which would regulate the activity of the state in the media.” Two other participants

opposed this view; they thought that regulating state involvement would strip media of the few remaining freedoms.

Broadcast licenses are currently issued by the Federal Commission on Television and Radio Broadcasting, which is essentially a technocratic authority overseeing a registered company's compliance with its license obligations. State interference in licensing is an alarming tendency today. "Direct interference by state and business in electronic media is ten times higher than in print media," said a panelist. The Federal Commission, expected to be independent, increasingly has more members who are government officials, while independent members are in the minority and have almost no decisionmaking power. "We, the independent members of the Commission, are increasingly in the minority when voting for one or another license," said one panel member. There is no law on licensing: it is regulated by presidential decree or an official resolution. There is also no law on frequencies, but it is not even on the parliament's agenda. Independent licensing commissioners insist on licensing more independent channels, but they succeed only in regions because of the central government's instruction not to strengthen regional governors' role and weight there. This has been changing in the last couple of years. There are increasingly more cases when governors do influence licensing.

Television, including effectively state-controlled channels ORT and RTR, does not receive public financing and generates income mostly through advertising. However, the state has actually put TV information under its control through the large financial capitalization that backstops the owners of the major channels. Though the bill on television and radio broadcasting included such basic principles as freedom of editorial policy and the inadmissibility of censorship, the perception is that new and renewed licenses will be granted preferentially to outlets which are loyal to the government. The concern is heightened by the intention of the government, as stated in February 2001 by the deputy press minister, to cap licenses for TV channels, radio stations, and newspapers in the near future.

Market entry and the tax system are not much different for the media sector than for other business segments. There are some tax exemptions and privileges, but the concern is they will be eliminated in January 2002. Ownership by large financial groups is seen to skew how fully the market operates in the media sector. The state has also recently become an active player in the market, which hampers free competition. The situation is the same in the regions: as soon as a local outlet looks like it is going under, a local oligarch or local authorities show up and pump money into it, thus bending it to the service of their political or business interests. "Few things depend on how well you sell," said a panelist. "Your profit depends on nothing but the way local authorities let you make money."

Though the media market in Russia is mostly private, its monopolization by financial groups close to the Kremlin continues. Major financial problems after the August 1998 ruble crisis made many independent media seek support from financiers and the state. The post-crisis financial situation was particularly hard on regional media that now depend on subsidies from city budgets. The authority to subsidize media was vested in the Ministry of the Press as of January 1, 2001, following Putin's order. Another consequence of the financial crisis is the tendency of several large publications to merge under the umbrella of large publishing empires, controlled by magnates like Berezovsky (ORT channel, Channel 6, *Kommersant* daily) and Gusinsky (NTV, Ekho Moskv, *Segodnya* daily, and *Itogi* weekly).

As recorded by the Glasnost Defense Foundation, from January-March 2001 there were 31 attacks on journalists, and four journalists were killed. Investigations and prosecution of perpetrators of crimes against journalists are usually not initiated; if they are, they generally get nowhere. Attacks against journalists have become more frequent in the first six months of 2001, primarily against war correspondents working in Chechnya. As compared to the first Chechen war of 1994-1996, terms and conditions of accreditation have become more stringent under Putin, and cases of the army's attacks against journalists have increased in number. Four journalists were killed in Chechnya in the first half of 2001, but no information is available as to whether murder investigations were initiated. Journalists are often detained, put under pressure, and, at best, deported from the conflict area. Examples include Vadim

Fefilov (NTV), Ruslan Musaev (AP), and Vladimir Chelikov and Vladimir Agafonov (ORT). Anna Politkovskaya of *Novaya Gazeta*, who had visited Chechnya several times, was arrested in February 2001 and interrogated by the military, even though she was accredited for work in the war zone. She was released only after the Russian PEN Center appealed to Putin. In February, military personnel beat Alexander Stepanov, RIA Novosti special correspondent in Chechnya.

Three TV journalists were beaten in St. Petersburg in March 2001: a correspondent of the St. Petersburg Office of VGRTK (State Television and Radio Corporation) and the two other journalists from Babylon, a regional TV channel. OMON (a special police task force) beat a TVC reporter and operator in the Moscow airport in June 2001 while he was preparing his program. Igor Domnikov, correspondent for *Novaya Gazeta*—which is among the very few truly independent publications—was beaten outside his house and died of his injuries. The investigation on the case has not progressed at all. Oleg Lurie of the same newspaper was beaten in December 2000 after he had published several articles on corruption, while his colleagues Georgy Rozhnov and Oleg Sultanov were threatened by anonymous letters and phone calls.

MSI panelists agreed that the incidence of criminal attacks on journalists is on the rise. They mentioned that crime rates against journalists do not differ much from those against other citizens. Crime levels in Russia are high, and law enforcement authorities are inefficient, slow, and oftentimes corrupt.

The Constitution and the Law on Mass Media are explicit regarding abuse of journalistic rights. Article 29 of the Constitution states: “Propaganda or inciting social, racial, national or religious hatred is prohibited. The propaganda of social, racial, national, religious or language superiority is forbidden.” Under Article 56 of the Law on Mass Media, founders, publishers, distributors, editors-in-chief, and journalists could be brought to court for the above abuses. Libel is the most frequent charge against journalists and media outlets and is both a civil and a criminal code offence. It is a common opinion that that the federal Law On Mass Media is outdated; it does not define well the boundaries of privacy.

Civil lawsuits for libel are increasing in number. More than half of the lawsuits are brought by officials, legislators, businesses, and non-government organizations. Libel is an efficient tool in the hands of authorities to harass journalists. The Kuznetsk City Mayor brought a legal action against the local *Lyubimaya Gazeta* this February to protect his honor and dignity. Although the mayor did not specify what the offense was, the court ruled that the newspaper assets and its publisher’s personal property be seized.

Journalists are often bribed to follow certain political and business agendas in their reporting, especially in the regions. Low ethical standards are a big problem, with Russian society traditionally blaming journalists for breaching general human ethics, not just journalistic ones.

Russian federal legislation does not favor state-owned media over independent outlets. There are no 100-percent state-owned media and the state exercises its influence indirectly, through certain financial groups. Print media are controlled through economic leverages, i.e., subsidies that allow local media to survive. For example, the Kaluga newspaper, founded by the local government, does not pay rent and uses free paper and printing services. The state has been increasingly trying to control independent media by acting as an owner, customer, or investor, and to bar political opponents from impacting media. As a panelist stated, “media have never been understood and set up in Russia to satisfy the needs of the audience.”

The Law on Mass Media allows journalists to seek, find, and disseminate information (Article 47) and restricts this right only in cases when a state secret is involved. A Law on State Secrets was also passed in 1993. However, while resigning from his post, Yeltsin passed a decree “On State Secrets,” which substantially expands the list of information items not subject to disclosure, and allows authorities at all levels to give the status of “classified” information to any information they deem secret. The federal Law

on Information and Information Sharing and Protection was passed in 1995. It defines what kind of information is not secret. A lawsuit can be opened in cases of denial of access to information (Article 13.2). However, relations between media and state press services are not clearly stated in legal terms and journalists can be arbitrarily denied information. Official information agencies offer only the approved version of news.

Obtaining publicly relevant information has become an increasingly challenging and dangerous job for Russian journalists, especially in cases of investigating authorities' abuses, corruption, fraud during election campaigns, and the war in Chechnya. The staff of the *Novaya Gazeta*, distinguished for its courageous investigations, are under continuous pressure. Defense-related security topics that are not state secrets have the status of classified information. The most vivid example of violating access to information rights is the case of the war correspondent from Vladivostok, Grigory Pasko, who shared a report on the leak of a nuclear waste from a Russian submarine with Japanese news agencies. The journalist was charged with espionage though his material had passed defense censorship and was published in the local newspaper *Boyevaya Vakhhta*.

Access to information has further deteriorated recently. The communications minister signed an order last August to obligate all Internet providers to connect the Federal Security Service and the Ministry of the Interior free of charge to their terminals. Satellite TV has been available in Russia for the past few years. NTV Plus and Kosmos TV broadcast Western information agencies online, such as CNN, the BBC, and Euronews. These services are affordable even to common citizens at a rather low fee. Internet is currently the most accessible and least expensive source of international information; it has spread widely in the large Russian cities in the past five years. According to data of the Russian Independent Research Center, Internet users at the end of 2000 numbered between 4.7 and 5.25 million. Nevertheless, state authorities managing information flows are now increasingly active in filtering information through the Internet.

The panelists unanimously agreed that access to some publicly relevant information is not free: authorities continue to view information as their property, and want to control access. Access to international news is not restricted. Access to professional education is free. However, authorities still offer privileges to some periodicals and journalists.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

On February 4, 1994, a group of journalists employed by Moscow-based periodicals signed the Moscow Journalist Charter, a document that urged the Russian Union of Journalists to develop a Code of Professional Ethics. The Congress of Russian Journalists approved it on June 23, 1994. The Code requires that "journalists disseminate to the public only the information which they think is reliable; they clearly separate facts from opinions in their reports."

However, the fundamental criteria of quality journalism are often violated in Russia today. Information based on rumors and speculation is often published in almost all papers regardless of their orientation and prestige. There are several reasons for unprofessional journalism. Given the tough competition and a wish to attract the reader's attention, many journalists use unverified sources and information. Facts are either distorted or withheld by journalists for political reasons as well. There are cases where materials that

contain compromising information are ordered to be published, particularly during election campaigns. Unprofessional journalism draws public attention because cases of using the media for settling group and personal conflicts have increased in number. Periodicals of different types and levels demonstrate intolerance to the opinion of others and offer a low quality of debate.

There are increasingly few journalists in Russia whose reports can be trusted. "Trust in journalists and media is very low," said a panelist, "and journalists are not even trying to win it back." According to an opinion poll by the Public Opinion Foundation in January 1999, fewer than half of the respondents believe that journalists give accurate coverage of events or that their information can be trusted.

The older generation from the Moscow and St. Petersburg media who lived through Perestroika are out of touch or have become politically discredited figures. In the 1996 presidential election campaign, trust in journalism reached its lowest level as objectivity was frankly dropped in favor of political agendas and biased reporting. As independent media are almost nonexistent and there is no competition, there are no conditions for creating demand for objective information. Journalists tend to produce commercial materials, as tabloid products are easier to produce rather than anything socially relevant.

"Professionalism plays the least important role in the sustainability of one or another medium," said a panelist. However, other panelists said journalists have recently become more responsible for what they write. Some participants mentioned that in the past decade Russian journalism has passed through two stages of development: the first stage was romantic trust that the government would support media, and the second stage was when big oligarchs' money became involved in media sustainability. Objectivity and accuracy of information were certainly not required at either stage. An MSI participant said, "these two stages are now in the past, but on the way it became obvious that our society did not need journalists, it does not respect them, and the authorities disregard them."

Journalistic ethics were a special topic of discussion, as all panelists agree the situation is catastrophic. None of the adopted documents have been implemented or adhered to. All participants agreed that journalistic ethics is nonexistent in Russia. Journalists who breach ethical standards are in no way punished by the journalistic community.

Self-censorship arises as a consequence of the fear of job loss if political or business interests are not supported. Journalists by far outnumber the available positions, and this is especially true in the provinces. A few independent publications (such as *Moskovsky Komsomolets*, and *Argumenty i Fakty*) can afford an unbiased opinion, but there too, journalists are pressured, sometimes by the editor in chief.

There are no public data on journalists' incomes. On the whole, journalists' salaries across the country are sufficiently high compared to the average pay levels for other professional groups, but they still remain low compared to prices in the country. There is a relatively broad pay gap between Moscow and regional journalists and between profitable and loss-making media. In private media, which belong to powerful companies, such as Media Most (until recently), the publishing house Kommersant, and Independent Media (a Russian/Dutch publishing house, one of the largest in Russia), salaries are coming close to Western levels. Discussion participants mentioned that wages are low, and journalists are ready to make compromises to keep their jobs and feed their families. "How can a journalist exist and follow any ethical standards if he/she is unable to feed the family?" said one panelist. Over 1,000 newspapers are currently out, but true competition is undeveloped. Both journalists and editors accept bribes for commissioned materials, and this is typical for 90 percent of the media. A participant stated: "Journalists produce commissioned materials, they are not fulfilling their professional duty; this is typical for all levels of media and is even more obvious in the regions."

Statistics show that most people learn about national developments from TV (86 percent of the audiences use TV as the main news source, 43 percent use the radio, and 28 percent print). While the latest data (December 2000) show that news programs continue to rate second in popularity (85.6 percent at ORT,

71.3 percent at RTR, and 60.8 percent at NTV), there was a tendency during the last year to shorten the news in favor of entertainment programs and a dramatic increase of the ad time. Still the market share of good analytical print media is not small: its publications include *Nezavisimaya Gazeta*, *Obshchaya Gazeta*, *Moscow News*, and the weeklies *Itogi*, *Profile*, *Vlast*, *Novoye Vremya*, *Denghi*, and *Expert*. Even these publications have recently expanded their topics to include entertainment.

The unsatisfactory state of printing facilities, TV, and radio equipment, as well as other technical problems, are major impediments in the development of the information business in Russia. Over 40 percent of larger printers' capacities and about 70 percent of local printing presses are hopelessly outdated. This is the reason why most periodicals are published abroad, in Finland, Poland, and Slovakia. According to the 1998 data, 56 percent of Russian magazines and 19 percent of newspapers print their products abroad. Cable TV is available for 36.6 percent of Moscow audiences and 11.4 percent have access to satellite programs. The figures are much lower for Russia: 8 percent for cable TV and only 0.8 percent for satellite TV.

Coverage of specialized topics does exist. Russia now has 40 newspapers focused on the economy and 645 political and social/economic magazines. Some financial newspapers are of very high quality: they include *Finansovaya Gazeta*, *Kommersant*, and *Vedomosti*. Quality periodicals, broadly general in nature, such as *Izvestia*, *Nezavisimaya Gazeta* and *Kommersant-Daily*, employ good experts on economics, politics, and war issues.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

Although print and broadcast media are mostly private, a public/private sector has also emerged (e.g., 51 percent of the national Channel One is owned by Berezovsky, and the rest is owned by the state). All the most important Internet sites such as Polit.ru, Lenta.ru, and Gazeta.ru provide information obtained from the ITAR-TASS and RIA Novosti agencies. Uro.ru (owners Media Press Corp. and Rosbusiness Consulting Agency) and echo.msk.ru (site of Radio station Echo Moskv) are also relatively independent. Some newspapers are known as more independent than others: examples are *Obshaya Gazeta*, *Novaya gazeta*, *Argumenty y F акты*, *Moskovskie Novosti*, and *Novoye Vremya* weekly magazine.

The regions' increasing autonomy was a powerful incentive for the emergence of regional media. Regional newspapers increased their daily circulation from 54 to 80 million copies in the 1990s. Over 300 newspapers are coming out in the RF republics, autonomous oblasts, and districts, and their daily circulation exceeds 5 million copies. However, regional press is scarcely affordable to the reader in distant regions. A weak distribution system in the regions cannot guarantee on-time press delivery to subscribers. The average price to subscribe to most popular papers for six months is about US \$20-\$25, the average cover price is US \$0.50. The average price of popular journals for six months is US \$30-\$40. Newspapers and magazine prices have increased recently and continue to do so.

Unlike the press, TV and radio have expanded their audiences. Moscow broadcasters now have access to almost all regions and are the main source of national news; there are also another 1,000 regional channels. The situation is mixed as regards the Internet. Unlike the media, it does not have any

government subsidies or tax privileges. The number of users is limited above all by technical resources. Internet users are mostly residents of Moscow and the other large cities. Sixty percent of Internet users come from high-income or the middle classes, members of which are still few in the regions.

The number of national newspapers increased six-fold in the 1990s, and 1,200 new magazines were set up (L. Resnyanskaya and I. Fomicheva, *Newspapers for the Whole of Russia*, Moscow 1999). Most panelists thought there was a sufficient plurality of information sources. The obstacles to their accessibility are mostly financial and technical. Many regions distant from large cities often have no TV receivers. Half of the Rostov oblast villages cannot receive the national Channel One and Channel Two. Most panelists commented on the state's lack of effort to bridge the accessibility gap between large and small communities. A panelist remarked that "one can understand the lack of private TV, but the absence of state-owned channels is either a deliberate policy or a total neglect of these regions on the part of the state." Another participant opposed such views, saying that Russia has not developed a tradition of demand for regular and objective information about events in the country. He thought the situation would not change in the coming decade even if the Internet were forced on every distant community. Information does not reach consumers not just because of economic problems, but because public demand is not there. "How can we bring socially relevant information to the public," he said, "if there is no demand for it?" Opinions split on this issue. Panelists mentioned that information is not in demand in some communities, while others clearly show a lot of interest. As regards ethnic minorities, their right to information does not pose a problem in Russia. There are no major problems in receiving international news, but panelists mentioned that citizens' interest in foreign news in this past decade was not very strong. While there are no explicit restrictions on local media, all panelists shared the opinion that the absence of policy in this field suits the state.

Panel members agreed that private media are owned by political groups who do not want the entire political spectrum represented in news and information. Publishers and journalists do not view public service as their mission, but act as advocates of political or corporate sponsors. A participant remarked, "Media do not represent any social interests except those of their sponsors or the journalists." Audience needs are satisfied to the extent that they coincide with an outlet's corporate or political interests. Journalists act as biased go-betweens, often interpreting news and events to the public as it suits those they represent. Only the news in which media and their owners have a stake reaches the public. Some local TV channels have news programs that do cover events of public interest. Around 100-150 of the currently operational 700 regional media companies are trying to make programs that are in demand in their communities. This, however, is an exception rather than the norm; most media take little interest in their audiences.

About 1,000 Web and regional services that focus on particular topics and call themselves "news agencies" are currently operational in Russia. The largest are ITAR-TASS, INTERFAX, Post Factum, and RIA Novosti. The key information product of ITAR-TASS is round-the-clock news online. It is to this agency that official documents and materials are sent. National and regional newspapers, TV companies, and foreign correspondent offices in Russia subscribe to TASS news. Besides news, this largest agency produces other thematic products such as bulletins, newsletters, and reference materials. RIA Novosti is a state information and analytical agency founded in 1993. INTERFAX is the largest private corporation, an umbrella for 15 companies. Its key information product is political news online. Its popularity was initially based on prompt news releases and opposition to authorities. INTERFAX issues over 40 different information materials on economic, political, and business issues.

Many news agencies focusing on particular topics are working in Russia in addition to the above. These are mostly financial and economic information services. The largest of them are Rosbusiness Consulting, the Agency of Economic News (AEN), Skate Press, and the Business Information Agency. Since Russian media are heavily politicized, there are many fewer agencies that provide cultural and social news: examples are the Agency of Social Information (ASI), the Russian Ecological Federal Information Agency (REFIA), and the Russian Agency of Social and Economic Information (RASI).

There are many regional agencies: NTR-Region issues a daily bulletin on life in the regions for the central press; ANI-Anons announces events three times a day and is very popular in the media community; and the East European Press Service monitors print and broadcast media. This broad spectrum of large and small agencies comes close to international standards in terms of information quality and timeliness, but their accessibility varies. Agencies decide on prices. International outlets pay much more than Russian outlets.

Private media ownership information is not made public. Media owners become known when scandals break out, like the one related to Gusinsky's Media Most Company. A panel member noted that "scandals reveal who owns media: otherwise everything is covered by five blankets here." The MSI panel judged that audiences in most cases do not care to know about media ownership.

The right of ethnic minorities to minority-language media is guaranteed: there are newspapers and magazines printed in 37 languages. At the same time, there are no minority-language publications in eight national districts and in one RF republic's capital. Minority-language publications are virtually absent in Moscow and St. Petersburg. No information is available about government and law enforcement authorities' pressure on ethnic print media. Minority-language newspapers and magazines cover a variety of themes: social, political, children's, and religious topics. The popularity of the existing minority-language publications comes from the objectivity of their coverage of national problems. These publications are not competitive in the media market, and they desperately need more funds.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

There are very few private printers with state-of-the-art equipment in Russia, and their modest capacities cannot service the huge media market. Print monopolization is another problem; Pressa publisher is an example of such a monopolist. It prints over 150 federal and Moscow-based publications, or about 80 percent of the periodicals sold in the Moscow region. Its clients include such large circulation dailies and weeklies as *Komsomolskaya Pravda*, *Trud*, *Literaturnaya Gazet*, and *Argumenty i Fakty*.

Cost of newsprint paper is very high and takes up to 45-50 percent of total publishing costs. In the market economy, periodicals lost subsidized newsprint paper and now have to buy it at market prices. Importing newsprint is unprofitable because the customs duty is 35 percent. The domestic paper is not only expensive, but does not meet world market standards.

The ex-monopolist in the distribution field, Rospechat, lowered its rates after several other distribution agencies developed. Its Moscow-based Mospechat branch was privatized and split into several small agencies, owners of 50 to 100 kiosks each. Other private agencies emerged; they claim city-wide distribution (Press Center; Centropeschat, Stolichnaya Pressa, Metropress, and others). Periodicals are sold by private vendors and each one owns up to 50 stalls. Such major dailies as *Trud*, *Komsomolskaya Pravda*, and *Moscow News* have set up their own distribution systems both in Moscow and in the regions.

Advertising is the first and most important source of revenue and amounts between 70 and 90 percent of the print media profits; it often takes up 1 to 1.5 pages in a four-page newspaper. The federal Law on

Advertisement, passed in 1995, set limits for commercials: they should not exceed 40 percent of the total print media space and 25 percent of TV and radio airtime. Advertising turned into the key revenue source for print media because of economic hardships (increased paper, production, and distribution costs), and for broadcast media because of insufficient government subsidies. However, the 1998 ruble crisis forced many advertising agencies to close, and many Western agencies left the Russian market altogether.

All panelists agreed that private media depend mostly on owner investments and much less on the ad market and subscriptions. The discussants differed as to whether the media can survive only on revenues from ads and good management: some participants think they can, citing *Delovoi Petersburg*, *Stavropolskaya Pravda* and *Vedomosti* newspapers as examples. With its capital of US \$200 million for three years, *Vedomosti* now owns 11 percent of the Moscow newspaper market. However, the paper is under Western management and funded by Western capital. *Delovoi Petersburg* is also supported by Western investment. However, most panelists did not think media can be profitable now. The ad market is mostly located in Moscow (85 percent), while in the provinces very few outlets use ads: a successful example is the city of Yekaterinburg, which has several sustainable channels with a profit of up to 30 percent a year thanks to good management and good business practices. Other cities have good management; yet the media is not surviving on ads because the local governments put pressure on advertisers and force them not to advertise in the outlets they dislike. Panelists thought that one could hardly speak about media being profitable. In the absence of real markets and competition, media cannot be run as businesses. The panel raised another problem—the lack of professional staff to use and expand the advertising market. These skills are not yet taught: local educators do not address the business aspects of journalism.

Given the tough financial situation, subsidies play quite an important role in Russian media. The law on economic support of district and city newspapers states that a financial subsidy should be given to periodicals included in the special Federal Register. There are restrictions: only one of all the newspapers published in a given district/city may be included in this register. The choice is made by local authorities and heads of local governments. The Federal Register is annually adjusted when the federal budget is made, and is approved by the State Duma. Though the subsidy is a very modest share of the media budget (up to 5 percent), it remains a powerful tool for interfering in the media internal policy. “When authorities interfere with the market rules,” said a panelist, “we cannot speak about any profit, or independent management.”

Most periodicals regularly poll audiences; large publishers, periodicals, and TV companies have market analysts on their staff. Marketing is primarily done to attract advertisers, rather than to adjust to the needs of audiences. There are currently several large Russian services that focus on analyzing media ratings. Gallup Media, a subsidiary of Gallup International, is the largest and most trusted source of such studies. COMCON, another large company founded in 1991, is an official representative of Research International in Russia and has offices in nine Russian regions and partners in 45 cities across Russia. COMCON focuses on market research, social/political and media/advertising surveys, business-to-business, and public relations consulting. Russian Public Opinion and Market Research (ROMIR) offers market research services. The company Monitoring.ru carries out research only through the Internet. In March 2001, the leading TV channels, the Ministry of the Press, the National TV and Radio Broadcasting Association, the Advertisers’ Association, and the Russian Association of Advertising Agencies signed an agreement on setting up a media committee to review the objectivity of ratings.

The panelists concluded that one could hardly speak about serious market research when a full-fledged media market does not exist. One participant remarked: “As for the media business, people do not understand what a targeted audience, marketing, and distribution system are, and this means they tend towards spending the customer’s money thoughtlessly.” Only national ratings are measured; there is no system of researching the regional media markets. The popularity of TV media is not sufficiently studied; such studies are not affordable to local electronic media. Transparency is no better in the print media. Nobody knows the exact number of media outlets across Russia. Data on newspapers vary from 14,000 to

24,000, and only 6,000 to 12,000 of them are independent. Nobody knows circulation figures. To date, the Circulation Commission has registered only 85 periodicals, mostly with foreign capital.

In general, the panelists believed it was premature to speak about the media market in Russia and about media as an independent business: as one said, “it would be premature to call this sector ‘business,’ and too premature to use the name ‘market’ for what we have now in Russia.”

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

Panelists agreed unanimously that efficient labor unions acting in the interests of journalists are absent in Russia. All attempts to set up truly efficient labor unions have so far been unsuccessful. Existing and newly founded professional associations usually protect the interests of a particular media owner, not the interests of journalists. Some of these are good, others less so.

Several professional media associations are operational in Russia; their goal is to represent and advocate for the interests of private publishers and broadcast media. The National TV Association (NAT) is the largest independent TV and radio professional association. Its goals are to represent and advocate broadcasters' interests to the government; offer joint solutions to corporate problems; provide equal opportunities to NAT members regardless of their ownership and regions; give access to professional information, international forums, and congresses; and provide legal advice and support in licensing and professional training. The Association embraces 210 air and cable TV companies, 29 radio companies, and 64 associated members. Both regional and national companies are represented.

The Russian Fund for TV Development (RFTD) has set a goal of improving the professional level of state and private TV journalists, and identifying and encouraging TV talents. RFTD has founded an academy, and has developed a program of support for independent regional TV (including a festival of regional TV). The Russian Association of Independent Regional Press represents and advocates print media interests through a network of 50 offices across Russia. This association keeps a database of regional periodicals, and gives advice and assistance in setting up new publishing houses.

There are several other independent professional unions: the Association of Regional Press Executives, the Guild of Publishers of Periodicals, the National Publishers Association, the Association of Young Journalists, “Asmo-Press,” the Guild of Parliamentary Journalists, and the Guild of Court Reporters. They are independent of the state and are funded by sponsors and membership fees. Whenever possible, they protect the corporate interests of their members, individuals and organizations alike. Joining such an association is not a problem: it is enough to be employed and pay membership fees. However, most of these organizations limit their activities to representative functions or to running joint projects with Western NGOs and foundations.

The largest professional association is the Union of Journalists of Russia (UJR). Founded in 1990, it has around 100,000 members across Russia, 79 regional organizations, and associated members. UJR is engaged in a variety of activities: organizing congresses, meetings, conferences, and competitions, and protecting journalists from the arbitrary practices of the government and law enforcement authorities.

The Friedrich Ebert Foundation study “Power and Society in the New Russia,” published in April 2001, includes the results of a poll of electronic and print media executives and journalists. The study evaluates the work of Russian professional unions and associations. The Glasnost Defense Fund had the highest scores for their work (48 percent), followed by the UJR (42 percent), the Moscow Union of Journalists (40 percent), and the Committee for Defense of Free Press and Journalists’ Rights (23 percent).

The panelists concluded that only nonprofit organizations truly protect media interests; nonprofits give practical help mostly in education and in arranging professional training workshops. “Strange as it might seem,” said a participant, “media interests are protected mostly by nonprofit organizations.”

Professional organizations include the UJR, the Glasnost Defense Foundation (GDF), the Law and Media Center, and *Novaya Gazeta*, which cooperate with the GDF on an ongoing basis. Several independent human rights organizations often take part in joint actions to defend media independence and protect journalists from arbitrary government practices. They include the Russian PEN Center, the Information and Human Rights Movement Center, the St. Petersburg-based Civic Control, the Russian Human Rights Committee, and the group Common Action, which unites over 30 human rights organizations. GDF has a regional network in 14 Russian cities. Besides GDF, there are autonomous regional organizations, which include the Central Region Center for Media Rights (operational in seven oblasts), the Society for the Defense of Glasnost (Yekaterinburg), the Krasnoyarsk oblast foundation Glasnost Defense, the Rostov-based Foundation for Defending Press Rights, and a number of others. They all monitor freedom of speech violations, provide professional legal aid to journalists, and promote the development and support of a consolidated professional community. Western sponsors support many Russian organizations for independent journalists. For instance, the Fund for Independent Radio Broadcasting, with financial aid from the Charities Aid Foundation (UK), opened a Web site where journalists can exchange information on a variety of legal issues. Internews is the main partner of the GDF in joint advocacy actions. The recently founded Press Development Institute (with five regional offices) gives legal and judicial support to journalists through seminars and consultations with USAID.

All panelists voiced their concern about the low level of journalism education. It is clearly far behind the requirements of the day. Basic educational demands are met at the universities in Moscow, St. Petersburg, and Yekaterinburg, but other higher institutions are at a deplorable level. Universities lack qualified professors because of very low salaries: “No good journalists will teach because they would be paid peanuts” said one panelist. Only “the old guard” professors are still working, their age being 65 on the average. The absence of modern textbooks is also a big issue, noted another participant: “Except on advertising, nobody is writing journalism textbooks.” The Glasnost Defense Foundation intends to publish a casebook of the best journalistic investigations, but this one effort will not resolve the problem. Universities, which have traditionally educated media professionals, are clearly failing to cope with the increasingly large number of journalists. Media schools were established in private universities, but their education level as yet is below that of state institutions. Students used to have mandatory internships at a newspaper, on TV, or in radio outlets. Most private media now do not take students for on-the-job training. Opportunities to intern abroad are rare.

Training, short-term education programs, and competitions are mostly delivered with the support of foreign sponsors. UJR held a competition for the best journalist investigation of corruption, supported by the Open Society Institute (Soros Foundation). Internews holds seminars where US and European specialists teach; the five-week school of journalism is set up on an ongoing basis, and 54 TV journalists have graduated from it to date. Internews announced it is also starting regional news reporter training. The Ford Foundation administers grants for graduate and undergraduate students. A long-term independent media support program is run by the Eurasia Foundation, which allocates small grants to media outlets.

The BBC World Service set up a trust fund in 1992 to work with the Russian media. In the six years of its work, the BBC produced over 20 educational radio programs for Russian radio stations and held over 40 seminars and internship courses to teach more than 300 journalists from major Russian cities. The

Russian Independent Radio Broadcasting Foundation was set up on the BBC initiative. Its programs are run on Radio Rossii in the morning prime time, and have a daily audience up to 8 million. The Foundation Web site runs project supported by the BBC and Technical Assistance for the Commonwealth of Independent States (TACIS) of educational and competitive programs for regional journalists. Short-term educational programs and grants are also provided by the Council of Europe through the National Press Institute.

Some Russian short-term educational projects are also very popular. The International Summer School of Journalism at St. Petersburg University is highly reputed. Russian and foreign specialists are invited to teach. Several seminars were held in March 2001 for the media in Nizhny Novgorod, Moscow, St. Petersburg, and other cities. A major weakness of the Russian training seminars is that education is expensive. On the whole, resources available for education and skills development of journalists and students are modest and insufficient not only in the regions, but in Moscow as well. There is a need to develop almost all media skills: writing, management, legal literacy, and technical skills. Since the media now employ many people without professional backgrounds, skill development is vital.

Panelists mentioned that interest in training is increasing. Training seminars are generally free, but the demand for fee-based instruction is also on the rise. Fee-based seminars on TV are mostly commissioned by corporations (e.g., Gazprom) or by regional authorities (Tatarstan). The Institute for TV and Radio Professionals' Skills Development recently began charging US \$400-\$500 for training; although the level of the courses is not high, the Institute has clients. Trainees come from the CIS member states, mostly joining information-related courses, while Russian trainees are interested mainly in advertising. MSI panel participants thought such trainings are clearly not enough for the whole country: there should be 20 to 30 times more of them, and they should be better organized, providing comprehensive programs rather than partial training on some issues.

List of panel participants

13. Andrey Richter, Executive Director, Media Law and Policy Center, Moscow State University
14. Olga Karabanova, Lawyer, Press Development Institute, Moscow
15. Vadim Malkin, Editor-in-Chief, Regional Editorial Office, *Strana.ru* (an Internet magazine)
16. Manana Aslamazian, Executive Director, Internews/Russia
17. Natalya Vlasova, General Director, Foundation for Independent Radio Broadcasting
18. Svetlana Murtazieva, Journalist, *Novaya Gazeta*
19. Elena Topoleva, Director, Social Information Agency
20. Denis Antonov, Marketing Manager, Social Information Agency
21. Alexey Pankin, Editor-in-Chief, *Sreda* Magazine (on Russian media business)
22. Boris Kagarlitzky, political journalist, writes for different independent newspapers
23. Pilar Bonet, *El Pais* correspondent in Russia for 13 years

Observer

Ekaterina Drozdova, USAID Media Officer, responsible for an Independent Media Project

Panel moderator

Kara Miskaryan, an experienced journalist and sociologist, working for a variety of major Russian publications

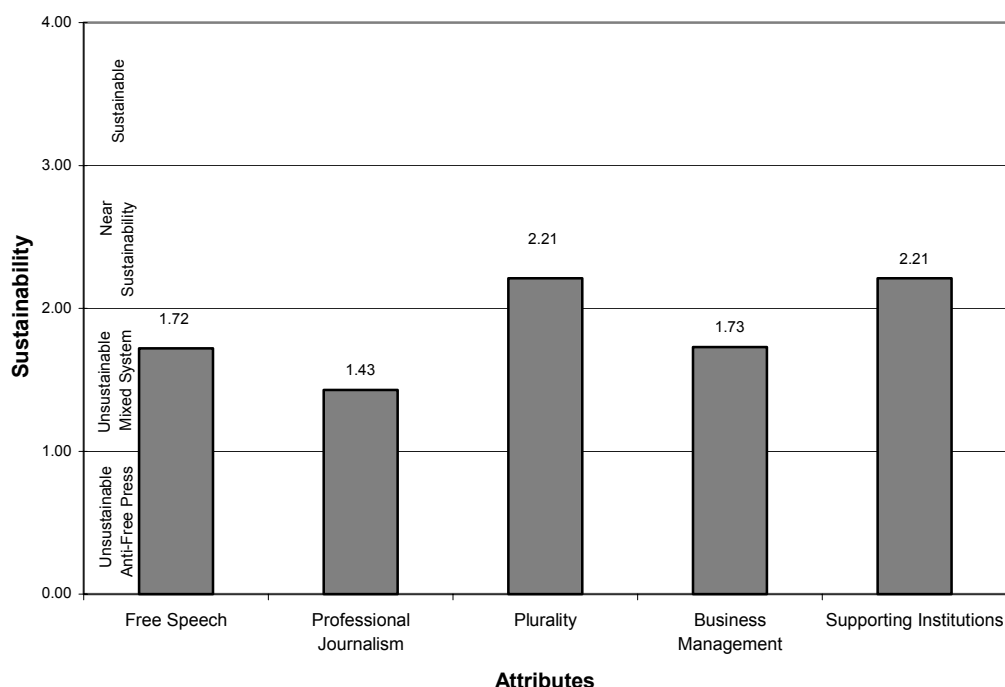
Serbia (Federal Republic of Yugoslavia)

Introduction

Serbia remains in transition from the Milosevic regime to some form of democracy and market economics that remains to be determined. The media likewise remains in transition. Overnight, state media (republic and local) went from pro-Milosevic to pro-Kostunica or pro-Djindjic. Private media previously allied with Milosevic became strong supporters of the ruling Democratic Opposition of Serbia (DOS) coalition in their news programs. Much work remains to ensure that the media become independent, professional, and financially sustainable. A series of laws needs to be redrafted, professional standards need to be raised, the media market needs to be rationalized, media need to learn to operate as businesses, and the supporting infrastructure needs more development.

The fall of Slobodan Milosevic's regime on October 5, 2000 altered Serbia's media scene almost beyond recognition. Under the Socialists, state and independent media had been divided into two bitterly opposed camps. They held conflicting political views and obviously did not strive towards the same professional standards. As Milosevic's hold weakened, the independent media gained influence, ratings, and circulation. His government's attempt to counterattack with a draconian Public Information Act and other repressive measures failed due to the combined effects of steady financial assistance to independent media from foreign donors, as well as journalists' refusal to be intimidated. After the democratic opposition triumphed on October 5, independent media had cause to celebrate with the new leadership. The euphoria was short-lived; not only did cracks soon show in the relations between former "comrades-in-arms," as opposition politicians and independent journalists had come to view themselves during the Milosevic era, but other stark realities of his legacy also came to light.

Media Sustainability Index - FRY-Serbia



Scoring System

0 = Country does not meet indicator; government or social forces may be actively opposed to its implementation.

1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.

2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.

3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.

4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

Above 3: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government not fully supportive

0-1: Country meets few of indicators and government/society actively opposing changes

Independent media found themselves competing against an array of “liberated” state outlets whose journalists, well versed in the art of political submission, were eager to ingratiate themselves with the new authorities (DOS) and win a political rehabilitation of sorts. Clamoring new voices competed for DOS politicians’ attention and favors. It is no surprise that after rising sharply in October, many dailies’ circulation took a downward plunge as early as November 2000. It wasn’t just that the Serb media were no longer sharply divided on ideological and professional grounds; they could barely be told apart.

The fall of the old regime also exposed the extent to which all state media had been neglected during Milosevic’s final years. State media are technologically backward and its journalists are politically inexperienced, professionally untrained, and nearly computer and/or Internet illiterate. Milosevic-era constraints upon them may have been lifted, along with the climate of intimidation and fear, but dismantling Milosevic’s negative legacy in the media will require an altogether different kind of effort than the October 5 burning of the Federal Parliament building. The independent media are better equipped to deal with the challenges of the post-Milosevic era, if only because they are bolder, leaner, and healthier organisms, for the most part not weighed down by oversized staffs left over from the era of socialist budget subsidies. Serbia’s media audience long ago lost its political innocence under a string of governments cynically abused the media for political gain.

Determined to reject the legacy of tight government control over the media in deed as well as word, Serbia’s new (October 2000) authorities pledged to pass new media laws in their first year in office, including the Telecommunications Act, the Broadcast Act, and the Public Information Act. As of May 2001, the first two laws had already been drafted by independent experts, professional associations and NGOs, and vetted by European bodies. The Public Information Act is to follow; first drafts promise to remedy many of the ills of the infamous Public Information Law enacted under Milosevic in October 1998, but independent legal analysis by experts at the Washington, DC-based law firm of Covington & Burling shows that the draft laws still allow unnecessary government involvement in the media. At the same time, the Serb government has announced a new tender for broadcast frequencies, promising to redistribute them according to fair and equal conditions and standards for all electronic media in Serbia.

The February Wilton Park Conference held in Belgrade, called “The Media in Serbia: Managing The Transition,” brought together international media experts and media stakeholders from throughout Serbia for several days of discussions. The conference made the following recommendations:

- The transition of Serbian media should be pursued in line with European standards with a view to promptly creating the conditions enabling them to fully contribute to democratic change in society.
- The media transition must observe the demands of this era of information revolution, implying the introduction of modern technology, digitalization, etc.
- Bearing in mind the importance of media transition for general developments in society, its implementation requires the full cooperation of media organizations, government and its component ministries, the parliament, media professionals, the public, and NGOs.
- Successful transition necessitates the adoption of legal regulations to create modern conditions for business operations and the transparency of investments in general, and to create a proper market environment for all stakeholders, including media operators.
- Ownership relations in the media sector, as well as the possible cases of illegal operation in the past, have to be examined and appropriate legal regulations adopted to protect pluralism and prevent any abuse of cross-media ownership to acquire monopolies in the media market.
- A regime of temporary frequencies should be promptly established for all radio and TV stations. This should be followed by the adoption of broadcast licensing procedures based on the following main criteria: (1) quality of program content; (2) financial capacities; and (3) technical quality of the media.
- A special regulatory body should be established within a year that would be independent, autonomous, and transparent in issuing or extending operating licenses for radio and TV stations.
- The whole body of tax regulations applicable to the media ought to be reexamined. In particular, the taxes charged on the returns of print media should be cancelled and the quotas for newsprint imports abolished.
- Any property seized from the independent media under the previous regime must be returned to its proper owners completely and without delay. Funds collected from fines imposed on the media under the repressive Information Law should be returned, or cancelled in the form of tax relief equal to the amount of fines paid.
- Media houses should carry out a thorough and open discussion about their accountability for the work under the previous regime and, at the same time, define the ethical and professional standards for their future operation. The Media Center and the Independent Journalists' Association of Serbia (IJAS) will organize a round table to address this specific topic.
- In view of the scope of institutional reforms intended to secure a plural and independent media market, donor organizations believe that substantial medium-term support of the international community is required.
- The process of media transition in Serbia demands continuous monitoring and coordination of its various segments and stages, as well as the establishment of regional cooperation.

Attribute #1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

Legal norms protecting free speech did not exist under Milosevic. Repressive laws with politically targeted implementation undermined the Yugoslav and Serbian constitutional commitments to free speech. Milosevic's Public Information Act, judged by international experts to be repressive, was

repealed in February 2000 but no further government reforms have been instituted. Constitutional and legal protections of free speech are continuing subjects of political debate as the governmental transition proceeds. The MSI panel was in agreement that significant progress remains to be made in the translation of constitutional language into full legal protection of free speech and access to public information. Both political and social attitudes were cited as reasons for needed change.

Politically, the country is in the midst of creating new laws dealing with free speech, including public information and broadcast regulations. Socially, the public has come to accept a low standard of reporting and expresses little outrage when freedom of speech is attacked. Constitutional protections for freedom of speech existed prior to the October 5th revolution, but under Milosevic a repressive public information law was used to circumvent constitutional protections. Although the law has been repealed, a number of long-standing libel laws remain in the criminal code. MSI panel participants agreed that libel laws should be revised and made part of the civil code, and the group expressed fear over recent reports that the new Minister of Justice wants libel laws to remain part of the criminal code. Some felt that the legal objective of the MSI deserved the lowest rating because the country finds itself in a vacuum as parliament attempts to form new laws. The group was only moderately optimistic about the content of the new laws being drafted. The International Press Institute and its affiliate, the South East European Media Organization, issued a March 26, 2001 report and letter calling on the Serbian government to review and amend articles in the Criminal Code of the Republic of Serbia concerning freedom of expression.

Several of the participants felt that different standards for free speech, comparable to those in Western countries, were needed in Serbia, especially where hate speech is concerned. They indicated that hate speech in Serbia aimed at race and nationality could result in strong state control of press.

Market entry is an item of current political debate: in this transition time, there are too many broadcast stations (600 radio and 300 TV) to survive in a market economy. Most have no license and follow no rules. Yugoslav Telecommunications Minister Boris Tadic describes the allocation of radio and TV frequencies as “a house on fire.” In Belgrade, the FM dial is jammed. A new competition for frequency allocation will be announced after a plan for frequency allocation is drafted. Before the competition, Tadic says, “all broadcasting licenses will have been revoked.” All broadcasters now remain on hold and do not know if they will be allowed to continue after the new rules go into effect.

The issue of licensing broadcast media was of particular interest to the MSI discussion group. Acknowledging that 600 radio stations and 300 TV stations were far too many to survive in a market economy, and that there were simply not enough frequencies to go around, the group criticized the Federal Ministry of Communications as inefficient and slow to address the problem. The government continues to develop plans for a workable licensing system, but stations that were anti-Milosevic do not have the resources of the previously pro-Milosevic stations to compete for licenses. The government is looking at ways to compensate the media who were fined an estimated 1.5 million dollars under the Milosevic regime. One municipal broadcaster in the discussion group complained that the government has failed to respond to requests to return equipment confiscated under that regime: “Our equipment seized under the old regime has not been returned, there is no explanation of where it is.... Where is the compensation?”

Journalists are no longer persecuted since the change in government, but many panelists agreed that journalists who attempt investigative reporting are still in danger. It is viewed as a risky business, especially in southern Serbia. The panel also voiced concern that journalists have little or no editorial support and authorities in the new government still pressure journalists to stay away from investigative reporting. As one panelist put it, “There is not enough investigative reporting in Serbia, there is not enough editorial support, and journalists are not strong enough to stand up.” Those wishing to do investigative reporting must take the consequences themselves, usually without support from their media outlets. The related issue of libel is presently an issue of government debate. The so-called “insult laws” have a chilling effect on freedom of expression and deprive citizens of their right to be fully informed. As

stated earlier, the International Press Institute has called on the government to repeal these articles from the criminal code.

Editorial independence is not guaranteed. Municipal newspapers and broadcasters are often controlled by the party in majority and managed by party-appointed officials. The government is debating how to make this system work. Media allied to the former regime have the advantage of years of good income with which to capitalize, valid licenses, and good coverage, while independents made little or no money. There is a cry from the latter for a level playing field. Many potential advertisers remain politically controlled, and independent media complain that these operations remain afraid to advertise or just don't understand how it will help them.

Public information is not easily accessible, and news reports tend to center on press releases and news conferences. Police reports are hard to obtain; they were not available prior to the revolution so there is no established practice of publishing them. Many reporters don't know how to find public information. It was pointed out that in developed countries, authorities must make information available to the public, and even corporations have public disclosure obligations. Such requirements do not exist in Serbia. The irony is that this indicator can be rated highly for the "equality of unavailability of basic information needed for research by journalists." Press members complained that even the simplest information must be obtained from official government sources and it is not readily available. There was a call for a new, unambiguous law to make information available to the public, and to protect the public as it seeks information. Because state media have priority in accessing sources of information, there is a perception that they receive other kinds of preferential treatment. Local politicians have powerful influence over the local press, and the panel expressed the opinion that people were afraid to go against them.

Journalists are not licensed. Media houses are ruined in terms of finances, technology, and skilled journalistic staff. Due to nonexistent criteria, the quality of journalism has deteriorated, rather than improved; in other words, anyone can be a journalist.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

The quality of journalism in Serbia is mixed, with a core cadre of professional journalists working at major independent media outlets. However, the overall quality of the profession is weak. Training is very much needed. Often reports are based on a single source—a legacy of government-controlled media. Station managers often say their reporters simply don't know how inquisitive they are allowed to be when asking questions. The panel agreed that significant progress remains to be made in journalistic quality and professional standards, but that the situation was not disastrous.

With a large number of mass media organizations available in Serbia, the quality of journalistic output is diverse, ranging from poor to good. State-owned media were described as poor in terms of balance and objectivity. Many quality problems were seen as being directly related to the poor economic conditions countrywide, which depress salaries for the journalism profession. Niche reporting and programming is not considered sufficiently developed, and offers minimal investigative, business and economics, and local reporting.

The Union of Independent Journalists of Serbia (NUNS) adopted a code of ethics in February 2001. The code is in line with world standards and the panelists felt this code was good for most reporters and journalists. An organization of private broadcasters, SPEKTAR has developed its own code for broadcast journalists, which has gained some acceptance, and was used during the December post-revolution elections. It was pointed out that while many independent reporters were NUNS members, others, particularly those working for state-owned media, are not members and thus not formally bound by world standards.

Although everyone was in agreement that there currently exists no compelling reason for journalists to practice self-censorship, they agreed that it was present. It was pointed out that some journalists simply fear losing their jobs by reporting on sensitive issues. The panel did feel that reporters no longer had a fear of being killed, as existed under Milosevic.

Journalists are not well paid and the door is therefore open to corruption. The nation's economy is a shambles and there is little money to pay journalists, or buy their publications. The panel felt this contributed to a lack of in-depth reporting, and several said they knew of many cases where journalists would accept money to broadcast news, regardless of its source or veracity.

Key political events are sometimes covered, but important economic issues are not, and niche reporting in general is weak. One reason is the lack of trained journalists to pursue specialized fields and a lack of market funds to support small target audiences. Recent events in Macedonia and along the Kosovo border were scarcely covered by the national stations, which instead carried reports from the BBC and others. This failure is due to a lack of trained reporters, equipment, and funding. During the standoff and subsequent arrest of former President Milosevic in Belgrade, viewers saw only a few live television images of the event, and there was little or no live reporting. Local stations carried voiceover translation of the live CNN and Sky News coverage. The Serbian *Ekonomist* magazine has recognized the need for professional development and has proposed training for financial reporters. The public does not expect economic reporting, despite fostering a political revolution partly against on dire economic conditions.

Entertainment programs often overshadow information programs. Information programs tend to be simple studio interviews. People have come to accept news as being controlled. With little or no competition under the prior regime, news media had little reason to fight for readers, listeners, or viewers. The large entertainment broadcast media have begun for the first time to broadcast news; these flashy productions are shallow in content, and may only be designed to ensure consideration when a new system for granting licenses is in place. Small radio stations often rewrite the content of local newspapers. Large TV stations often broadcast images of the newspaper headlines while music is played in the background.

TV Pink was cited as an example of entertainment overshadowing news. This nationwide TV station prospered under the Milosevic regime by having the right connections and correct behavior. The station was able to buy the most popular programs, and earn the most money. Now that the regime has changed, Pink still has the viewers by virtue of having the money to buy the best programs. The new regime has indicated it will close all broadcast operations and reopen only a reasonable number of them. One criterion for re-licensing will be the quality of news programming. Pink is seen as changing its stripes by now offering news. Pink news was judged by the panel as flashy with little substance—an attempt to make entertainment into news. In contrast, some local stations were accused of having too much news and attempting also to make news into entertainment.

Some media outlets are well equipped; most are not. Private media that allied themselves with the previous regime made money and can afford good equipment. Of the municipal stations, some were heavily subsidized, but most were not. Most media organizations say they are using outdated equipment and those who have new equipment need training on how to use it. At a roundtable discussion entitled “What Kind of Law for the Jungle in the Air,” representatives of the private broadcast media claimed to be disadvantaged when compared with the stations that used to be close to the former regime and had

plenty of opportunity “to get rich and equipped with costly broadcasting and studio facilities,” which they (the private media) could not afford after years-long repression.

The panel’s assessment of the technical facilities used by the media in Serbia resulted in consensus that print is in bad shape. Radio stations, especially those affiliated with the Association of Independent Electronic Media (ANEM) are in good shape; other radio operations are in catastrophic shape. TV stations are in poor condition with the exception of stations that enjoyed privileges under the old regime. The panel saw TV as being technologically inferior to Western standards. In addition it was pointed out the state radio and television service suffered as a result of having been bombed by NATO.

Printing presses were said to be out of date and described as devastated, resulting in high printing costs and expensive newspapers for consumers. One participant said that the printing press industry has collapsed, and others said that it was difficult to start new printing houses because there was no possibility of obtaining loans. Distribution of print media was described as bad, with some 200 private distributors and one parallel state owned distributor. The panel called for government regulation of distribution of print media.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens’ access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

There are many newspapers and magazines available throughout the region. In some areas, such as Belgrade, the radio and TV spectrum is saturated with stations. In general, broadcast media is free but papers and magazines are expensive for most citizens in the current weak economy. Those wishing to start new publications are seeking donor funds, because scarce capital makes lending institutions reluctant to give loans. The state news agency Tanjug claims to have changed management and is now requesting close to US \$600,000 in donor funds to repair and replace outdated equipment. State-operated printing presses are 35 years old and in bad shape.

The government does not restrict access to media but foreign news sources are hard to find because people do not have the money to afford them. Donors have been called upon to supply funding for foreign news services. There are several cases of private stations that rebroadcast the BBC and other foreign services in the local language. The Internet operates unhindered but the Telecommunications Ministry reports less than three percent of the entire population has access. Some studies have shown that five people read the average newspaper before it is thrown away. This is the result of a poor economy making it hard for people to afford newsprint, satellite, and Internet access.

The panel unanimously stated that citizens are confused about who owns much of the country’s media. A lawyer on the panel explained that the public register of ownership allows registration of nominal, not true, holders of media property, and is easily manipulated to conceal political influence and foreign ownership. For instance, ownership can be hidden in offshore corporations. He pointed out that expensive analysis is the only way to discover media ownership, and money is lacking. Mechanisms based on the rule of law should be established in order to reduce political influence.

Minority language programs were considered by the panel to be widely available where needed. Examples were cited in Subotica and other cities with large minorities. “Response to minority

programming is good, ghettos are breaking down,” according to one of the panelists. Minorities from neighboring countries have difficulties buying homeland newspapers due to cost rather than politics.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

The panel indicated that the saturation of the market and the lack of clear licensing made it difficult for media to operate as efficient businesses. A hoped-for result of the new broadcasting law will be a thinning of the number of stations to allow a better chance for financial sustainability. It was the feeling of the panel that whoever gets the best frequency allocations will survive.

Regarding the print media, printing plants are seen as slow and old fashioned, with low quality product. Distribution methods are inefficient. The print media receive no government subsidies and the panel attacked a three-percent tax being levied on the import of newsprint as economically damaging. The panel expressed the view that, without the support of donors and new sources of revenue, many print operations would collapse. There was a call for donor organizations to formulate a strategy to help sustain print media until the economy revives.

Concern was expressed that media do not generate revenue from a variety of sources, resulting in the failure of local media in particular. The panel also felt that there are too many media organizations operating in Serbia, and that the impending shakeout by way of the new broadcast law and ongoing economic problems will create a lot of losers. Wealthy companies from the old regime, such as BK, TV Pink, and Palma, dominate the advertising market. They have a nationwide audience, allowing them to monopolize the relatively small advertising market. The panel was in agreement that many of the problems facing media in Serbia are directly related to the country's poor economy.

Media analysts on the panel noted that advertisers in Serbia tend to base their purchase of airtime on the principle of reaching a maximum of viewers with minimum investment. As a result there is great demand for spots on top entertainment programs. It was reported that over 50 percent of all advertising money went to just two TV stations, leaving the remaining 50 percent of the market for all other media including print. Newspaper income was reported at a lower-than-normal 20 percent from advertising, due in part to low-quality layout. In 2000, about US\$ 15 million were spent on advertising in Serbia, and of that almost \$10 million went to TV. Estimates are that spending on advertising may increase by some 50 percent in 2001, but the panel was concerned that most of the increase would continue to go to TV only.

Panel members agreed that there is a general lack of professionalism in the selling of advertising and the creation of ad content. There was a call for the new broadcasting law to restrict TV advertising, with panel members saying that if it continues uncontrolled, TV will become the “shopping channel.”

Objective, fair, and honest market research is available in Serbia, but it was reported that only the top ten stations bother to use the information to set their prices. Print representatives said their circulation figures are public, and surveys are not used. The panel called for donors to help make research available to smaller broadcast operations, which cannot afford the research. One participant stated that any kind of requirement that the media respond exclusively to media surveys is “suicide,” meaning that it would result in media “filled with trash” (reflecting the lowest common denominator).

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

The panel was in agreement that the presence of institutions supporting media independence was a good sign of sustainability, and that Serbia was well developed in this respect. Under Milosevic, the independent media developed effective institutions to combat repression, including ANEM, NUNS, the Media Center, the Association of Independent Print Media (APEM), the Association for the Development of Private Broadcasting (Spektar), and several human rights organizations that pay attention to free speech issues. These NGOs and associations are seen as playing a vital role in the post-revolutionary transition to a market economy, while media learn to operate by new standards and to survive in an evolving economy.

However, these associations need further professional development and better coordination. A recent Media Center workshop in Belgrade noted the overlapping jurisdictions of associations and trade unions. The workshop suggested that solutions to this issue would be found through cooperation between the Independent Journalists' Association of Serbia (IJAS) and the Nezavisnost ("Independence") trade union confederation—a process that would encompass views of the International Federation of Journalists and experiences of other countries. The panel also said that trade unions do not function as they do in other countries, and pointed to the Union of Independent Journalists of Serbia (NUNS) as an example of an organization that assists the media. NUNS has given strong support to journalists, including financial aid, scholarships, medical help, and legal aid, and has made forums available for discussion of journalistic issues. This help was seen as very important during the Milosevic years. On the other hand, the State Association of Journalists, operating with state-owned media, was described as a "parasite" organization. The panel stated that now was the time for such associations to define new roles and relationships.

The only major institution able to provide long-term training in journalism is the Department of Journalism of the Faculty of Political Sciences, University of Belgrade. As a state-run institution, the faculty has been left destitute: it has been deprived of international assistance. It lacks the funds and technical requirements for quality training, its literature collection has become outdated, and the international exchange of professors and students has been discontinued. The faculty has not been included in a single international project under the auspices of the European Union. As a panel member stated, "the university is strained and we have a ten-year shortage of professional people at the same time young people need to be educated." There are also no radio or TV programs at the university. An independent school of journalism is operational in Novi Sad and has graduated some 200 students in the past few years.

The Association of Independent Electronic Media (ANEM) provides quality short-term training, supported mostly by donor funds. The BBC plans to open a training center, and the panel also noted that international NGOs are providing valuable short-term training to journalists throughout Serbia.

As stated above, the situation concerning newsprint and printing facilities is poor. There are few private facilities, and public enterprises produce most of the output. The panel said the only encouraging development in this area was that state printing presses have now appeared on the market and are offering their services.

Ways of distributing news were discussed for each medium, and there was agreement that the existing system of parallel state and private distribution was inefficient. The use of trains to deliver newspapers and magazines was seen as inefficient and the State Post Telephone and Telegraph (PTT) was criticized for being too expensive to be of use anymore.

Panel members said that telephones continue to be wiretapped and some telephone providers still work for state security organizations. There was a call to abolish the monopoly of PTT and its power to issue Internet provider permits.

List of panel participants

1. Branislav Zivkovic, Attorney of Law, ANEM Lawyer
2. Voja Zanetic, Owner and CEO of a marketing firm, public relations and communications specialist
3. Ofelija Backovic, Editor in Chief, TV Pancevo, Vojvodina
4. Slobodan Kacarevic, Editor in Chief and Director, *Glas Javnosti* daily, Director of Printing House Glas Javnosti
5. Gordana Susa, President of NUNS (Independent Journalists Association of Serbia)
6. Djurdjic Momcilo, Editor in Chief, Radio Pirot - Southern Serbia
7. Sasa Djordjevic, Press and Information Officer, European Union, Delegation of the European Commission
8. Irena Guzalova, *Financial Times* correspondent in Belgrade
9. Darko Brocic, Media Researcher, Strategic Marketing and Media Research Institute
10. Mirkov Nikola, Media Researcher - specialist on media monitoring

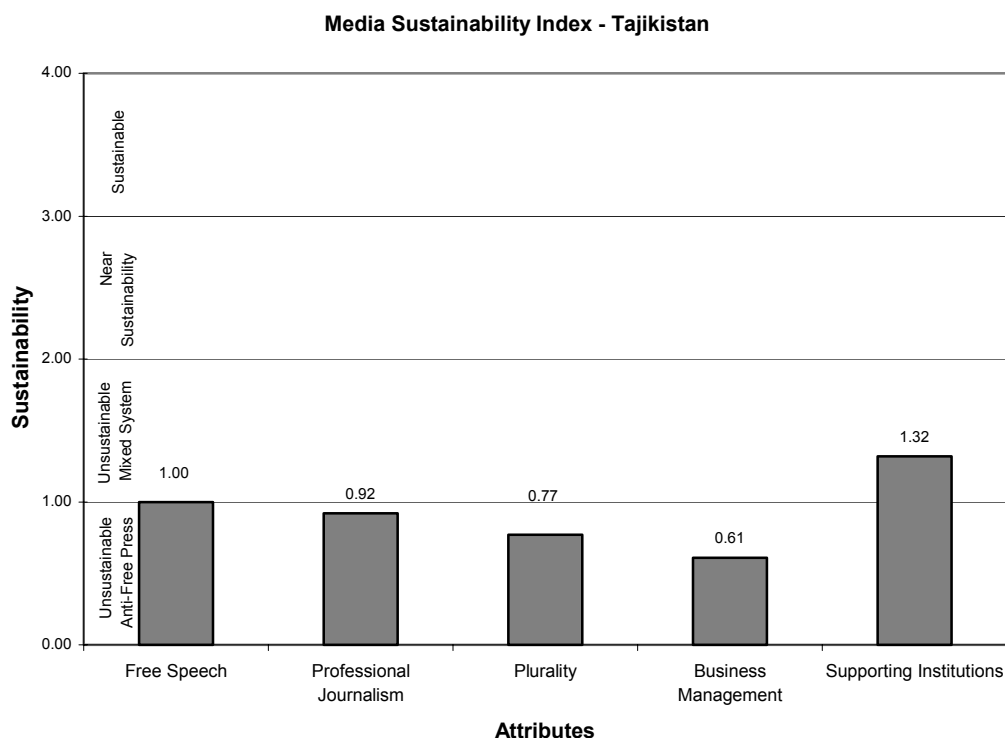
Tajikistan

Introduction

During the many years of its brutal civil war, Tajikistan was considered one of the most dangerous places in the world for journalists. Even now that a somewhat fragile peace and stability have come to Tajikistan, the country still suffers from one of the most poorly developed media environments among the countries of the former Soviet Union. The profession of journalism today continues to be dangerous. Although fewer journalists are perishing today than during the war (50 journalists were killed in the civil war), the threat of violence remains.

Overall, MSI panel participants were very critical of the current state of media and freedom of expression in Tajikistan. Their pessimism was reflected in the extremely low scores across the board on all MSI objectives, indicating that the country shows almost no degree of sustainable independence in the media sector.

It is estimated that 126 newspapers and journals are in print, although the print runs, particularly for journals, are often very small. According to the official data from 1999, 58 newspapers were published. Of these, 40 newspapers are in Tajik, nine in Russian, and nine in other languages. Four have a republic-wide circulation, five are oblast-wide, 31 are local papers, eight provide mainly information and advertisements, three are private, and seven are published by various political parties and movements. A number of private publications have also been established with the support of international sponsors. Most private media, however, are not financially viable. Because of low advertising revenues and circulation bases, no private newspapers publish daily.



Scoring System

0 = Country does not meet indicator; government or social forces may be actively opposed to its implementation.

1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.

2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.

3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.

4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

Above 3: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government not fully supportive

0-1: Country meets few of indicators and government/society actively opposing changes

In Tajikistan today, there are no independent media outlets. Access to information sources—both domestic and international—is restricted and costly, and technical equipment is outdated or obsolete. Licensing of media outlets—which is under the control of the Ministry of Culture and Information—and the tax system are regularly used to control or hinder independent media, especially radio and television. Government officials often instruct journalists on what news to cover, and reporters practice considerable self-censorship, fearing reprisals if they publish something the government might oppose. The president's political party is usually given extensive media coverage, while other parties receive almost no coverage by national and local media.

Broadcast media are also dominated by government services. In February 1994, President Imomali Rahmonov took direct control of broadcasting services with the pretense of ensuring their objectivity. The state-run Tajik Radio is the major radio service, and the only national television service is the state-run Tajik Television. There are a number of private television stations in Tajikistan. None of these, however, has its own facilities, and they must use official broadcasting studios for most of their work. Independent television stations have been the targets of continual government harassment. In 1997, independent TV stations experienced serious delays in obtaining registration licenses from the authorities. Currently, there are no private radio stations in Tajikistan, although the Law on Television and Radio Broadcasting stipulates their establishment.

Panelists agreed that, on the whole, the professional standards of journalism are low. The media are biased, subjective, and tendentious; publications lack balance and reflect one point of view, a fallback to old-style Soviet journalism. Professional training for journalists in Tajikistan is very poor, and there is a shortage of instruction manuals and technical equipment. Moreover, finding jobs for graduates of journalism schools is a serious problem. Although entry into the journalistic profession is relatively unhindered, very few competent people are attracted because of the low salary level.

People in rural regions have no access to television, radio, or newspapers, and available newspapers are often delivered with great delays to the remote parts of the country. Furthermore, many people cannot afford to buy newspapers and are thus excluded from access to this source of information.

Opportunities for the population to use e-mail facilities are expanding, but computer use and Internet access are still far beyond the means of the vast majority of Tajiks. Access remains limited to a small number of users because of technical constraints, and, more important, the high cost involved.

Attribute #1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

The Tajik Constitution stipulates basic human rights with regard to freedom of speech (Chapter 2, Article 30). However, it does not contain any provision on the right to receive information, which allows the government to legally limit the freedom of speech. International and local experts discussed this inconsistency during the preparation of the Constitution in 1994 and during the constitutional reform in 1999, but without any result. One panelist noted “the text of the Constitution does not envisage the rights of the citizens to get information. Articles 14, 17, 27 and 88 say that the freedoms and rights of the citizen are regulated, protected and ensured by the Constitution, while the absence of a provision for the right of the citizen to get information in Article 30 can be seen as a certain limitation of the rights of the citizen backed by constitutional norms.”

Panel participants also noted that a specific legal basis regulates the activities of mass media in Tajikistan, in addition to the laws concerning freedom of speech. The legal framework in Tajikistan is, in theory, functional. The relevant laws are as follows: the 1990 Law on Print Media with four amendments (1992, 1996, 1997, 1999); the Law on TV and Radio; the Law on Mass Media Activities; and the Law on Authors’ Rights. The basis of media legislation is a fairly democratic law on mass media adopted before the collapse of the Soviet Union in 1990. However, these laws have drawbacks: the laws lag behind contemporary developments and do not cover some new aspects of media; in fact, the four amendments to the law in 1992, 1996, 1997 and (especially) 1999 have considerably worsened the situation.

The most debilitating problem with Tajik law is the discrepancy between existing laws and their enforcement. This gap between theory and practice exists due to the collapse of law and order in Tajikistan during the civil war, the weak judiciary, the existence of parallel legal systems, and the lack of a developed civil society. One panelist noted that “we speak about the gap between theory and reality in terms of freedom of speech. But can it be any different in Tajikistan? My answer is NO. The difference between the laws and implementation in Tajikistan is in all spheres of life.” All panelists agreed that freedom of speech and the quality of media have worsened in recent years. One panelist noted that only foreign media offer balanced news: “Only foreign media show life in Tajikistan in a more or less objective manner, while domestic media either do not want to or cannot do this.”

Panelists noted that very few legal actions on mass media are brought to court in Tajikistan, and that parties involved in disputes prefer to solve problems through traditional negotiations. In a typical court case, for example, numerous inconsistencies and violations in court proceedings arose from contradictions in the legislation on mass media. As a result, the case had to be solved through appeals to international law.

In addition to problems with the legal infrastructure, panelists noted that freedom of speech in Tajikistan is not highly valued. Frequently, civil society seems to tolerate limitations on the freedom of speech. As one panelist said, “I think that freedom of speech is not greatly valued in our society. We used to discuss this issue a lot, but when we need to protect freedom of speech in the courts, we always back up. This can be attributed to the consequences of the civil war; however, the time has come to legally protect freedom of speech.”

According to the panel, the discrepancy between the existing national legislation and international norms has deepened during the last several years. All panelists agreed that judicial reform and changes in the public consciousness are needed, as well as new laws on mass media that provide a sound basis for freedom of speech in Tajikistan. Some panelists stressed that media associations have recently started to lobby the government to improve legislation: “To achieve [improvements in the legal code], our organization lobbies the Parliament. We encourage the deputies to introduce new laws on mass media, and we have prepared a media draft law with the assistance of an expert who is one of the authors of the media draft law in Russia.”

In terms of media regulation, licensing of media outlets is controlled by the Ministry of Culture and Information (for print media and information agencies), and the State Radio and TV Committee (for broadcast media). Licensing procedures are restrictive because the state agencies use their powers to keep the information market under governmental control. In the licensing process the agencies frequently eliminate unfavorable independent media by rejecting their license applications. One panelist noted that the state regulatory agencies have considerably weakened independent media: “Consequences [of the policies of the regulatory agencies] were obvious in the last 3–4 years, when licenses were granted infrequently and with great delay.” Things are particularly complicated for independent TV and radio stations, and the relevant licensing procedures were not made public until recently. Currently, the licensing process remains confidential, is excruciatingly slow, and maintains no established time guidelines.

Licensing procedures differ for print and broadcast media. It is relatively easy to register an independent newspaper because the government will control the paper’s printing press. It is more difficult, however, to license independent private radio and television stations. This is because strong political actors become involved with broadcast licensing. As one panelist explained, “there is no fair and honest licensing [for broadcast media]. Everything is guided by political or personal reasons.”

Tax policy also impacts media development in Tajikistan negatively. The tax system is very complicated, and rates are high; as a result, tax evasion is typical for businessmen. Panelists were of the opinion that tax breaks on media are needed to help it develop. One panelist argued “it is necessary to make taxes favorable for media for a certain period of time, like in Russia. After 10 years of war, most media outlets are weak. If the authorities are really interested in developing national media, tax privileges will be needed.” The tax situation leads to widespread official corruption and gives the State yet another opportunity to control media: “There are now different methods of solving problems with journalists, such as sending tax police to unfavorable media, who will always find something wrong. Our tax legislation makes the editors and media bosses keep their financial resources confidential, decrease taxes, or avoid them. But if a media outlet criticizes authorities, the government will launch a tax investigation in response. If this happens, the media outlet can be closed. Reform of the tax system is necessary in order to make media independent.”

In the area of journalist intimidation, crimes faced by journalists include threats, blackmailing, insults, physical violence, and illegal detention of journalists or their relatives. While murders are rare, they still occur and are committed by professional killers or disguised as traffic accidents. Crimes against media outlets include confiscation of printed materials, bans on publications, threats, and blackmail. A journalist notes that journalism can be one of the most dangerous professions in Tajikistan: “The most dangerous jobs in Tajikistan are the ones of a journalist and a judge. As of today, not a single criminal who

committed crimes against journalists has been detained or punished.” There is also a distinct lack of public outcry against harassment of journalists. And finally, because court trials are rare, libel issues are settled by threats, tax harassment, and blackmail.

In Tajikistan, every media outlet is under the control or influence of political or economic leaders who consider it acceptable to interfere in the functioning of these outlets: “There are no absolutely free or independent media. Their freedom is only relative. It is clear that politicians and the government interfere with editorial policies. The Ministry of Security told us to publish less negative information. I asked them whether this is an advice or a threat. I was told that it is a friendly advice.” Regardless of the fact that the same laws apply to both government-owned and independent media, independent media are in a much less favorable position.

One of the biggest problems is access to public information, which is treated as state property. The primary concern is control over the internal information market, which is exercised by all official structures. One panelist described the general problems as follows: “The first factor is a lack of initiative among local journalists, their inability to get information. The government provides different information to the internal and external markets. Authorities are more open with foreign journalists—ITAR-TASS or BBC journalists accredited in Tajikistan, for example—but they strictly limit the information for the domestic market so that readers in the villages are not agitated.” Furthermore, access to information for independent media in the regions is even more difficult than at the center. One of the most popular methods used by regional authorities to suppress independent media is to completely ignore them. One panelist noted that “although the independent newspaper Sughd was registered, it is never invited to cover official events in Sughd province. It is completely ignored, although its circulation is 23,000 and it is very popular.”

Panel members pointed out that media in Tajikistan are often prevented from accessing foreign news sources. Many foreign news broadcasts find their signals blocked or distorted. According to one panel member, “one of the methods of restricting international information is the artificial creation of radio noise: it is very difficult to listen to Radio Ozodi; with BBC it is better. Maybe Radio Ozodi is purposefully blocked.” The Internet is also restricted due to high access fees and lack of computer equipment; in fact, one hour of Internet access can cost the equivalent of one month’s salary (about US \$6). And finally, only government media have the right to reprint/retranslate foreign news programs; as a result, independent media are forced to do so illegally and thus risk prosecution.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

Unbiased reporting and objectivity have not yet become the norm for the media in Tajikistan. Most media outlets provide biased reporting and subjective assessments. One panelist suggested that the lack of objective reporting is due to “subjects that are banned or completely off-limits; and lack of professionalism among journalists who have not been taught that several sources of information should be used, different opinions should be cited, etc. The Soviet approach of saying ‘proper’ things is still alive.” As a rule, publications reflect only one point of view, a byproduct of the tradition of Soviet journalistic techniques. In addition, the government and editors under government influence exert very strong pressure over reporters.

There is no official code of ethics for journalists in Tajikistan. However, there are certain rules of the game and norms that journalists try to respect, related to some general Tajik social standards. For example, there is a taboo against exposing the private and especially the intimate life of an individual, and compromises are preferred to open conflict. Corruption among journalists (bribes) is widespread. One panelist noted that “we face a situation where journalists from government TV ask for money in exchange for showing information on certain events.” Corruption is so widely accepted that journalists scarcely take notice of the fact that they rarely manage to articulate the truth in their reports.

Intimidation of journalists and fear of retribution has led to widespread self-censorship. Panel members unanimously agreed that this results from the pressure of authorities, who can dismiss journalists, close media outlets, and use violence against them: “All journalists in Tajikistan practice self-censorship, regardless of where they work. Why? Most importantly, they are afraid for their lives and the lives of their children. On the one hand, if a journalist works in government media, he may be dismissed from his position; on the other hand, if he works in private media, there may be a telephone call from officials or political bosses, resulting in dismissal.”

Violence is widely used to intimidate media, and is often perpetrated by military leaders, government officials, and businessmen. While it is often difficult to identify the assailants, they seem to be omnipresent. Editors under pressure, for example, in turn often pressure and force journalists to censor their materials. The situation becomes worse when the editor is also a top-ranking official. The state-run print house Sharki Ozodi plays a special role in pressuring and censoring journalists, according to one panelist: “All our printing houses are tools for exercising state control. If a journalist does not change his article, the editor will not publish it in his paper. The editor has no choice, because the [government-controlled press] will refuse to print it. There are no independent print houses.”

Independent media in Tajikistan, despite attempts to cover key events and subjects, are paralyzed by self-censorship, official control, lack of financial resources, and lack of access to information. Government media, according to one panelist, “publish only official documents, orders, government resolutions, information on trips, visits, etc. Newspapers are issued once a week. The majority of independent private newspapers publish the same articles that were published in Russian media. In other words, journalists are no longer the source of fresh information.”

Finally, the tragic isolation of local or regional media promotes informational isolation and enhances the likelihood of regional conflicts. As one panelist noted, “local media have no access to information at all; that’s why they give no news except local. In the past, there was TajikTA news agency, which provided wire stories on events daily, and local newspapers published some national news.” As a result, local media are often devoid of objective news from diverse sources.

The low salaries for journalists discourage ambitious young people from entering the journalism profession. Journalists receive from US \$2 to US \$8 a month at the local newspapers, and US \$10 to US \$15 at the national newspapers; together with freelance opportunities, a journalist’s total monthly income may be up to US \$20 dollars. One journalist described his predicament as follows: “Recently I wrote an article on the salaries of our journalists, both government and private. Our journalists get 22 somoni (a bit more than US \$9). Naturally, they get extra ‘fees.’ However, altogether it is not more than 30 somoni (US \$13). It is not enough even for my small family.” Another consequence of the low salaries is that journalists become very susceptible to accepting “fees” for directed articles.

In terms of the availability of hard news, panel members said that broadcast media, especially state-run national television, devote far more time to entertainment programs than to news and information. The only source of information on state-run television is the daily newscast Ahbor (News) and the analytical program Tajikistan, which is broadcast twice a week in Russian and Tajik. Some panelists thought that the lack of interest in news programs might be due to the low educational level of the population: “All of

our intellectuals left; people in rural areas should be educated in order to become interested in news. They are more interested in concerts or entertainment.”

All panelists criticized the technical capacity of Tajik media equipment. According to one panelist, “our technical equipment is at the level it was in 1950. Europe and Russia use digital technology, while we use VTS and super VTS format. In print media, government newspapers started using computers only last year.” Different opinions were expressed on how best to overcome the technical backwardness. Some stressed that assistance should be provided only to independent private media, while others argued that state-run regional newspapers should also be supported since they are the only source of information at the local level, no matter how inadequate they are. Finally, some voiced the opinion that because of location specifics, local media need support with modern transmission equipment to meet the requirements of the area. This is especially important for remote places, such as Gorno-Badakhshan, where television is unavailable and radio reception is very poor.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

In Tajikistan at the beginning of 2000, there were 247 mass media outlets (officially registered), including 43 non-government media outlets and 5 independent information agencies.

In Tajikistan, few people have access to diverse sources of information. Newspapers are not widely available because they are too expensive, especially in rural areas. Electronic media are available only when there are no power shortages; in the majority of rural areas, power works only 2-3 hours a day. One panelist noted that “very few people in Tajikistan have the opportunity to buy independent newspapers, especially intellectuals. The newspapers cost 35-40 diram (about 15 cents) and are a luxury when people make from one to three dollars a month. Very often people share newspapers.” The state-wired radio network (Tochka) has been destroyed in two-thirds of the country, and batteries to power radios are often of poor quality and rather expensive. Finally, the vast majority of people cannot afford new TV or radio sets although their Soviet-era devices are gradually wearing out.

The economics of news production are also tilted in such a way as to make newspapers unaffordable for most citizens. The cost of production is very high and does not correspond to consumer purchasing power. One panelist observed that “if Tajikistan had its own paper, the newspapers would be more affordable and available. At the moment, everything is bought in Russia, China, and Iran and is very expensive.”

Small villages and towns are, in effect, under complete information blackout. One panelist explained the situation as follows: “The situation is desperate. There are 90,000 people in Panj, and only 300 people are subscribed to the local paper. It is impossible to keep a newspaper alive with a circulation of 300. The main sources of information in rural areas are (1) state-run television (dependent on electricity supply) which airs news and agricultural programs, concerts, Russian films, and entertainment; (2) state-run radio, airing concerts, agriculture programs, news and weather; and (3) newspapers, with *Charhi gardun* and *Vechernii Dushanbe* being most popular. Even the government newspapers *Jumhuriat*, *Sadoi Mardum*, and *Narodnaya gazeta* are not available to rural readers. If they do become available, they are out of date, and the number of copies is inadequate.”

The main obstacle to Western media and Internet information is financial, although a decrease in education levels and low skills in foreign languages also prevent the public from accessing foreign media. One panelist noted that “Internet access is very limited. First of all, not everybody has the opportunity to buy a computer. Second, even if an organization has a computer, it cannot access the Internet because it is too expensive. Third, not everyone knows how to use a computer and the Internet.” Access to Western print media, radio, and TV is further restricted by the government through a ban on bringing in video films and computer diskettes. And finally, state authorities have passed new legislation creating further obstacles to using the Internet: specifically, the new Law on Radio and TV bans export and import of electronic productions and cooperation with foreign television. The government has also recently gained the authority to control computer media and the Internet.

Heavy state control of the media sector is further demonstrated by the absence of any commercial television channels or independent news agencies. Most agencies were established with the assistance of international organizations and foundations. However, many news-starved media outlets are reluctant to use the information from these agencies because it has not been approved by official authorities. One panelist explained that “together with the state agency Hovar, there are six agencies registered in Tajikistan: five in Dushanbe and one in Khorogh. Agencies in the capital are called independent, but often use information from VAU, [which is under control of the government].”

Finally, media in Tajikistan are unable to cover the wide range of social problems, including those of minorities. One reason for this is the limited number of minority newspapers, radio programs, and television programs. In general, the poor state of local media limits minority access to information. According to the ambiguous media laws (Article 3), the various ethnic groups have a right to their own media; however, the law also allows the government to maintain control.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

The relationship between the media and printing houses in Tajikistan is problematic. All print facilities are under government control, though not all of them are financed by the government. One panelist noted that “not one printing house is private. For printing houses to become private, they need permission from the Ministry of Culture and Information. This is one of the methods of censorship. If any independent newspaper, e.g., *Charhi gardun* or *Nadjot*, has a debt to the printing house of 1,000 somoni, the printing house will only print the paper after the debt is paid. Government media can have an unlimited debt, as their financing comes from the government pocket.” Through these methods, the government is able to indirectly control all printed news in Tajikistan.

The advertising market in Tajikistan is highly dysfunctional. Agencies that appeared before the war are now in miserable condition due to the poor economy and government control over ad placement. Panelists agreed that none of the MSI advertising indicators correspond to the Tajik reality. Professional marketing research has not been carried out because the ad market is poorly developed and there are very few trained professionals. At the time of writing, the first research firm providing rating services was in its initial stages of development. In general, market research firms in Tajikistan suffer from a lack of trained professionals and modern database processing programs.

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

While trade associations exist in Tajikistan, many of them are fledgling organizations. One representative of a journalists' association explained the situation as follows: "There are several associations protecting media interests: the Union of Journalists (the oldest), the National Media Association, the Tajik Journalists' Association, and Tajik Journalists for Social Partnership. Our National Media Association unites more than 30 independent media outlets, including nongovernmental TV and radio stations. We protect the interests of our members through legal consultations, publish the bulletin *Media and the Law*, and represent their interests to authorities. [At first,] authorities attempted to prevent our registration. But now we feel the authorities are ready for cooperation. We consider it major progress that we can make the authorities at least listen to us. There are NGOs protecting the interests of journalists, but they are weak and lack experience. They bring together young active professionals who try to broaden their activities."

Professional training for journalists in Tajikistan is very poor. As one panelist noted, the problems begin with poorly qualified teachers at journalism schools: "Not only students should be taught, but also teachers. Teachers in Tajikistan are behind the times. There are no manuals and equipment. In Soviet times, teachers used to go to the training centers in Moscow and Sverdlovsk and come back as professionals. This opportunity no longer exists." Many students today receive their practical training in state media, and as a result they learn stereotypes and standards typical of the Soviet era.

Recently, several NGOs have made efforts to update the training available to journalists. One panelist noted that "with the assistance of international organizations like Internews [a US-based NGO working on media development] and the Soros Foundation, we try to get textbooks. The lack of modern textbooks, especially in Tajik, is a great problem." Panelists pointed out that there is no opportunity for students to study abroad. The most gifted and well-trained graduates leave the country and go into other fields.

In Tajikistan, the Soros Foundation has arranged different programs for journalists and has sent some abroad for training. It also finances two schools of journalism, one at a news agency called Asia Plus, and the other at Internews, a US media NGO. One panelist explained "our foundation has no opportunity to provide long-term training for young gifted journalists. This is why we arrange short-term courses. We send some journalists to study courses on covering gender problems or the Internet. We want to open a new program in support of individual journalists' projects. Thanks to the efforts of international and local organizations, all the journalists can pass through short-term courses and training."

Media distribution channels generally support the media because distribution is largely in private hands, and the state has more difficulty controlling distribution than printing facilities. The state has difficulty maintaining control over the distributors because their networks are fluid and dispersed. A typical distribution network, for example, includes editors, small businessmen, street traders, and other small distributors, making state control difficult.

Finally, the government has no need to control access to the Internet because very few people can afford it. Thus far, the Internet has not been a factor in supporting Tajik media. Only when the Internet becomes accessible for everybody will the government consider taking more control.

List of panel participants

1. Ymed Babakhanov, Chief Director, Asia Plus Information Agency
2. Salimakhon Khodjimurodova, Deputy Editor, *Vechernii Dushanbe* newspaper
3. Qironsho Sharifzoda, journalist, *Sadoi Mardum* newspaper
4. Nuriddin Qarshiboev, Chairman, National Association of Independent Electronic Mass Media
5. Mahmadali Haitov, analyst, Islamic Renaissance Party of Tajikistan; Board Member, *Nadjot* newspaper
6. Valdemar Rokoshevsky, Political Adviser, UNTOP
7. Shahrinisso Najmiddinova, Media Assistant, OSCE
8. Zebo, Media Program Coordinator, OSI
9. Bahodur Qosimov, Director, Internews

Observers

Alla Aslitdinova, IREX representative, Tashkent
Jaroslaw Martyniuk, Senior Research Analyst, InterMedia, Washington DC.

Panel moderator

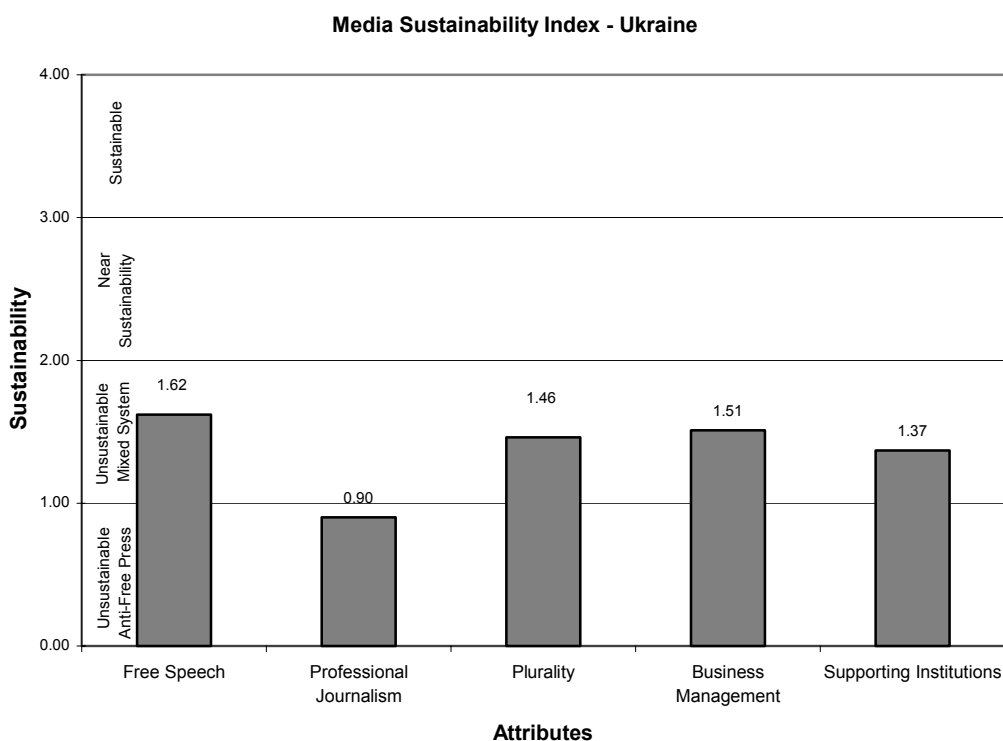
Muzaffar Olimov, Director of the Scientific-Analytical Center “*Sharq.*”

Ukraine

Introduction

Nearly a decade after its birth as an independent nation, Ukraine has not come close to maturing into a democratic state in which political, economic, and human rights are respected. As with many countries that emerged from the breakup of the Soviet Union, media in Ukraine grapple with these daunting conditions. While there are paper guarantees of press and speech freedom, these are not respected in practice and/or are nullified by the influence of political and financial oligarchs. Professional standards are low, due both to pressures on journalists to represent the views of patrons and hidebound traditions of the journalist as opinion-maker. The plurality of news sources available to Ukrainians is diminished in utility by the propagandistic nature of news content across the board. The slow pace of economic reform has a direct bearing on the ability of the independent media sector to perform based on advertising revenue, but at the same time, the business background and education that make media entrepreneurs good at business is generally lacking. Journalists do not work together to represent common professional interests: much of this support comes from foreign, mainly Western, sources.

Corruption remains at the heart of political life, and corrupt practices have been accepted in the media as the norm unless and until Ukrainian society as a whole expect, demand, and get the rule of law. But the conundrum is that, in the West's expectation, the independent media should act as the vanguard of such transition, helping as they should to inform the electorate of the consequences of bad government. There is plenty of work to be done, and responsibility to assume, before Ukrainian independent media can truly act in that watchdog role.



Scoring System

- 0** = Country does not meet indicator; government or social forces may be actively opposed to its implementation.
1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.
2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.
3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.
4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

Above 3: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government not fully supportive

0-1: Country meets few of indicators and government/society actively opposing changes

Attribute #1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice.
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

Ukraine's constitution and laws guarantee freedom of speech, press, and assembly. Andrei Richter, Director of the Media Law and Policy Center at Moscow State University, says Ukraine's media laws are among the best in the former Soviet Union, and the country is signatory to various European conventions that give European law full force in Ukraine. In discussions and written comments, all panelists agreed that, on paper, the legal situation generally looks good for Ukraine.

But most panelists also pointed out that the respect for and enforcement of those laws by the government is often abysmally lacking. "While the country's legislation is in line with international standards, laws are either not enforced, or enforced unevenly," one panelist commented. The government frequently uses its powers to stymie reporting that it doesn't like, to harass journalists, and to shut newspapers down or fire broadcasters not seen as sufficiently loyal or pro-administration. Laws related specifically to media—as well as those concerning taxes, fire safety, and health inspections—are selectively enforced against media. By and large, the judiciary is not independent and rarely issues decisions in important cases that go against the interests of the power structures within or outside of the government. According to a panel member, "Ukraine's arcane and complex tax structure places an undue burden on media to remain in

compliance. Tax enforcement is used as a political tool and means of pressure to keep media in line with government policies.”

Beginning in fall 2000, an outcry against harassment and control of the media began both within Ukraine and internationally. There had certainly been previous incidents that drew criticism, but the outrage became general following the apparent murder of opposition journalist Georgi Gongadze—and the release of tape recordings, made earlier, on which President Kuchma seems to suggest getting rid of Gongadze. Six months later, that outrage still exists and has led to widespread calls for Kuchma to resign. The investigation into Gongadze’s death has been hopelessly incompetent (it is hotly debated in Ukraine whether the incompetence is by accident or design), and few other allegations of media harassment, threats, or attacks on journalists, including the unexplained violent deaths of several journalists in recent years, have been satisfactorily investigated.

Other problems with the enforcement of the laws that Ukraine has pledged to live by include:

- the fact that some of those laws conflict with each other;
- the poorly trained, underfunded judiciary that remains dependent on national and local administrations, and thus is easily susceptible to pressure in making decisions;
- the wide-ranging powers of tax inspectors, health inspectors, and others with the power to paralyze or shut down independent media outlets;
- a licensing procedure for broadcast media that is not transparent; and
- an almost universal tendency by Ukrainian newspaper and broadcast station owners to cut legal corners and carry at least two sets of financial books, which leaves them wide open to harassment under the guise of perfectly legitimate law enforcement.

The legal framework for entry into the market is fair to all comers, but the financial cards are stacked in favor of state-run media. They receive favorable rates for purchasing newsprint, renting state-owned offices, distribution through the state postal system (which handles virtually all subscriptions), etc. On the other hand, independent media are not taxed at a higher rate than other private businesses.

State-owned newspapers have better access to government information. In general, the belief that information is power is still strong in ex-Soviet Ukraine, and few government officials or agencies are eager to give information to the media unless there is some benefit to themselves; panelists agreed that public information is not readily obtainable. Fear also plays a part in that if a government official is not explicitly aware of whether information should be released, he will err on the side of caution and not release it. In other cases, the officials want a payoff to release information that is, by law, public. This difficulty in obtaining access to public information is especially pronounced in the regions. Ukraine’s 1992 freedom of information law is almost entirely ineffective. When government officials do parcel out bits of information, they are often more likely to give it to friendly media—most often media outlets owned by the state—than to independent or critical media.

The fear of retribution sometimes prompts journalists or media outlets not to seek redress for illegal actions. For example, a newspaper whose regular printer refused to print an issue of the paper in February 2001 because of anti-presidential content had a clear breach-of-contract case against the printer. But the paper refused to pursue the matter, fearing what other problems might follow. Several panelists said journalists are hesitant to defend their own rights under the law and many are ignorant of what the law says. “Public officials ... intimidate journalists by either physical harm or exclusion from information,” one panelist said. “For example, journalists covering President Kuchma can only ask “safe” questions. Also, the [reporting] pool is hand-picked by the presidential administration.”

Ukraine’s violation of press-freedom laws and its lack of investigation or redress in such cases are serious. The Ukrainian government, and specifically the Kuchma administration, has been taken to task by international media organizations such as Reporters Sans Frontieres and the Committee to Protect

Journalists, as well as by international bodies such as the Organization for Security and Cooperation in Europe (OSCE). The Council of Europe has threatened to suspend Ukraine's membership—something the Council has never done to a member state—because Ukraine has not fulfilled its reform pledges, particularly in the area of media freedom and other human rights.

Licensing of broadcast media is not transparent, and thus its fairness and level of politicization are unclear, but the signs are not good. Licensing is handled by the National Board on TV and Radio Broadcasting, which has eight members: four appointed by the president, and four by parliament. For more than a year, President Kuchma did not nominate his half of the licensing board's members. Once the other four, appointed by parliament, were more to his liking, he made his appointments. Several of the members have close ties with individual media outlets, which appears to be a fairly obvious conflict of interest. Furthermore, more than half of the members are connected with media outlets controlled by one pro-presidential oligarch. There have been complaints about political favoritism and political punishment in the latest, ongoing cycle of licensing, but they are difficult to prove or disprove. That is largely because the board always has some ostensibly valid technical reason for turning down a license application. This comes about because, as mentioned earlier, media outlets often cut corners, but also because, with so many conflicting laws, it is impossible for any business, media or otherwise, to operate without breaking some law. Panelists pointed out that licensing is highly politicized and controversial, and there are no clear criteria for determining who should receive them.

Journalists in Ukraine can cite a long list of colleagues who they claim were murdered because of their journalistic activity. Other observers put the number lower, saying there is no compelling evidence that several of the deaths were related to journalistic work. Still, there have been numerous killings of reporters and editors in the past decade, and not one of the cases has been satisfactorily resolved. The same is generally true with nonfatal attacks, or crimes against newspaper or broadcast offices. Rarely are the assailants brought to justice, and in many cases, particularly when there is evidence that the police or other government officials were behind the attack, virtually no investigation is done at all. The number of attacks is not increasing, but it already is unacceptably high, and does not appear to be decreasing. Certain types of reporting simply are not done, because journalists believe, with good reason, that such stories will put them in danger. There have been numerous documented cases of journalists writing about business corruption or police corruption being beaten, threatened, or, in at least one case, slain. Journalists usually do not band together for their protection as a group. One panelist said that most crimes against journalists are never made public, and many journalists are scared. That fear, many panelists agreed, leads to very effective self-censorship and achieves the goals of those who threaten or attack journalists.

Journalism education remains stagnant and the curricula of state universities are centrally controlled in Kyiv, several panelists said. One major problem in journalism is not the curriculum, but the fact that the professors teaching today are the same people who were teaching in Soviet days: their basic beliefs, teaching methods, and teaching materials have not changed along with the country. These older faculty members are deeply entrenched and no real improvement in the universities is possible until they are gone. There were two journalism professors on the panel, and they both said that teachers do have quite a bit of leeway in teaching what they want, even though, on paper, the curriculum is strictly prescribed. In general, though, they agreed that university journalism education is in poor shape. They, along with several other panel members, also pointed out that the number of journalism programs in Ukraine has increased markedly in recent years. This is good, in that those new programs are not hamstrung by hidebound old professors and can explore new teaching methods and materials. But the downside is that there aren't enough competent, experienced teachers to staff these programs, and as a result the quality of education offered is often quite low.

Panelists repeatedly mentioned the abnormal business situation for media in Ukraine. Most of the national outlets, and many regional ones, whether print or broadcast, are owned or controlled by political and oligarchic business forces that see the media not as businesses, but as political tools. Because these owners have no interest in fair or objective journalism, and simply want stories stressing their favored

point of view, journalists feel as if they have little choice but to comply or to quit, which few are willing to do. Thus, the ethical standards of journalists are low. At the same time, these owners do not value their journalists, and do not bother to protect or support them in the event of a lawsuit or harassment. Even without oligarchic ownership of media outlets, media in Ukraine is not a “normal” business, one panelist pointed out. The state, or a cabal of oligarchs, has effective monopolies or near-monopolies on printing, newsprint, newspaper delivery, and broadcast transmission facilities. Nonetheless, some newspapers and TV channels try to work as “normal” businesses and seem to succeed. Even though “sponsors” control the content of many news outlets, there is no single sponsor, and therefore the media are at least pluralistic, if not good, said one panelist.

The fact that journalists find themselves working unethically and in favor of one or another political force also weakens any solidarity among journalists, since they often find themselves on opposite sides of political fences, or are ordered to attack or deride each others’ work. This has been one factor in the failure of any effective professional associations of journalists to develop. Nonetheless, informally, journalists have great camaraderie and discuss issues and shortcomings in their profession openly. But they are only willing to do that when it is understood that the conversation is private and off the record.

In general, journalists working for state media enjoy a better status, in terms of salary and pension, than those working for private companies. This can lead to hard feelings and a lack of good relations between those on opposite sides of the divide, and private journalists frequently deride the skills and performance of those working for state media, even though, in fact, there is frequent movement between public and private employment for many journalists.

There was widespread agreement that courts and judges are not independent, and that “telephone law” still holds sway in Ukraine. When the government or some other powerful political force wants to destroy a newspaper or ruin a journalist, an adverse court judgment and a heavy fine are not that difficult to obtain.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

In Ukraine, journalism rarely meets the professional standards of quality that one would expect to see in a developed country. As one member of the panel said, most Ukrainian journalism—writing, reporting, editing, style and content—retains many characteristics of the Soviet period. That is, the majority of newspapers and broadcast outlets are founded and run as political projects and not as means to inform the public.

Reporting usually is not fair, objective, or well sourced. Much of the newspaper reporting is based on opinion rather than facts. In TV news broadcasts, reports on events are usually one-sided. Even on controversial topics, a single report usually does not include more than one side of an issue. Fact checking is not a regular part of a journalist’s routine, and statements made by sources are often reported without challenges to their accuracy. Reporters and newspapers freely take unverified information from other published sources, particularly the Internet, without bothering to check its accuracy. They defend this practice by pointing to Ukrainian law, which says that as long as the original source is credited, then the journalist or publication reprinting an item is not legally liable for its accuracy or lack thereof. Because many journalists think of themselves as analysts and commentators rather than news reporters, and

because reporters usually do not cover a single beat, they usually make little effort to develop sources that they can rely on for information.

Despite the recent broadening of boundaries for topics that reporters cover (triggered by the tape scandal and Gongadze murder), self-censorship has increased, according to some journalists. They are even more careful about what they write. In addition, there is heavy censorship by senior editors and media owners about what to write and how to write it. “Kompromat” and subjective, one-sided reports are plentiful. Recent reports on television channel UT-1 are a good example, several panelists agreed. Panelists noted that there is some good niche reporting on social and economic topics, however, and a good diversity of voices and publications. But this often produces a cacophony of views that can confuse and misinform the public.

The ethical standards of Ukrainian journalists are, at best, weak. It is common for journalists to work as news reporters while simultaneously working as PR agents or spokesman for a political party or candidate or for a business, even when the journalist is reporting on that entity. There is little effort to ensure fairness in coverage. At most newspapers, editorial space is freely available by paying either a journalist or the paper itself. This applies not only to positive stories about one’s self or favored causes, but to negative stories smearing political or business foes. Similarly, many journalists will accept money to kill an unflattering story. Journalists are not averse to using the pages of their newspaper to further their own non-journalistic aims, such as running for office, or settling personal scores. There is no accepted code of ethics for Ukrainian journalists, and nor are there any widely accepted associations of journalists that might have the moral authority to create and enforce such a code.

Journalists say this is not the time for such a code in Ukraine, but that can be seen simply as unwillingness to stop accepting payments for stories, or the unwillingness of journalists to work harder to make their stories better. One of the panelists said ethics is not a priority for journalists in economically depressed Ukraine. “Based on personal experience, I find that there is no set of ethical standards for journalists to follow. I think that because of the dismal economic situation, journalists forego ethics in order to eat and live.” Other panelists decried the lack of professionalism among journalists and the tendency to inflate one’s own importance. “I find that anybody who can hold a pen considers himself a journalist and thinks that his opinion is an important component of a NEWS story,” the panelist wrote.

Fear of government harassment, libel lawsuits, and physical attack prompt severe self-censorship of the media. Journalists freely acknowledge that there are topics they will not touch, because they do not want to antagonize local, regional, or national government officials or influential businesses or businessmen. Their fears are not groundless: journalists have been slain, injured, and threatened. Even when there has been convincing evidence that government officials or agencies were involved, cases were not solved by police or resolved in any other ways. Because so many newspaper and broadcast stations, particularly in Kyiv and in some of the larger cities, are owned or otherwise controlled by political interests or oligarchic business clans, journalists know that writing articles against the interests of those owners or patrons could cost them their jobs. The same is true, of course, at the hundreds of government-owned newspapers and broadcasters.

Journalists write mostly about what they want to write about, rather than about issues and events that are of more interest to their audiences (or potential audiences). Because little audience research is conducted, journalists often have little or no idea of what types of information or articles would interest their potential audience, let alone their actual readers. Governmental coverage is very heavy but often not comprehensive or critical. There is much coverage of politics and of the day-to-day activities and speeches of officials such as the president, governors, and mayors, but not much thoughtful coverage of issues. Particularly at smaller, local newspapers, journalists do not feel qualified to write about technical or specialized topics such as medicine or law. Instead, they invite experts to write on those topics, and while those people may be experts in their field, they usually are not experts in journalism. Their articles are full of jargon, fail to make points that are of interest or use to readers, and do not present multiple

points of view. Topics such as education, military preparedness, the judiciary, and health care are covered minimally, if at all, and usually only within the framework of a political debate, with parameters set by politicians or parties.

Corruption is rampant in the Ukrainian media. Salaries are abysmally low, as they are in most Ukrainian industries and businesses, and journalists look upon the sale of their bylines and their newspaper's news pages as a legitimate way of making some much-needed money. But low salaries have another negative effect. The pay system used at most newspapers gives reporters a very low base salary, supplemented by a small payment for every story printed. That payment is the same, regardless of the length or quality of the article. Thus, it is in the financial interest of a journalist to write many short articles, without laboring overlong on their quality, than to spend the time and effort to write one good story. Even with these per-story honoraria, most regional journalists are paid less than US\$100 a month. In Kyiv, the figures are higher, but not by much. In addition, many journalists are freelancers, so they do not even get the small base salary, but instead try to survive entirely on honoraria—and corruption.

The payment system for journalists was criticized by panelists as a cause of poor reporting. “Media organizations don’t seem to think they can afford having their journalists working on stories for days or weeks,” according to one panelist. The usefulness of public relations is not appreciated. While handouts from PR agents are not something that journalists should accept blindly, they could contain valuable information. But journalists tend to see PR handouts only as an attempt to get free advertising, and often want to charge to use information from a press release. Both individual journalists and news outlets accept money for coverage, or for not covering something. The fact that editors exert little control over their reporters makes it easy for journalists to place sponsored materials, one panelist said. Salary figures are hard to come by, because most news outlets, like most businesses in Ukraine, keep multiple sets of books in order to evade taxes.

“Officially, journalists are poorly paid. Unofficially they get more, but depend totally on the editor,” one panelist said. “They cannot compare their salaries to those of their colleagues.” That panelist also said, though, that many journalists go and work as image-makers or press secretaries, even while continuing to work as journalists, in order to supplement their salaries. Newspaper journalists in the regions, she said, can hardly live on their regular salaries from newspapers, which may pay only a dollar or two for a story.

The gap between Kyiv and the regions is apparent in many ways, from salaries to the level of corruption to the technical facilities available in both print and broadcast media, panelists said. It is the goal of regional journalists to move to Kyiv and work in the capital, but any real hope for improvements in journalism in the near future must probably look to the provinces, panelists said, because of the political climate and oppression in Kyiv.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens’ access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

Ukrainians do have access to multiple sources of news—broadcast, print, and Internet—but those media generally do not provide citizens with reliable or objective information. Often, because media control has become concentrated in the hands of the state and a few oligarchic clans closely allied with the president,

the public cannot even count on receiving a range of different viewpoints, as those media present a united front of opinion and propaganda.

For instance, parliament member Alexander Volkov is a former close advisor to President Leonid Kuchma (and is wanted for questioning in Belgium in a money-laundering investigation). He controls the TV company Gravis and the information agency Media Prostir, and can influence the state-owned TV channel UT-1 and the privately owned Studio 1+1, on whose behalf he intervened several years ago to obtain a license (the granting of which is also now under investigation by a New York grand jury looking at possible violations of the Foreign Corrupt Practices Act). Another parliamentarian, Victor Pinchuk, who also happens to be President Kuchma's son-in-law, controls Kyiv TV channels Noviy Kanal and ICTV, Channel 11 in Dnepropetrovsk, and the biggest national daily newspaper, *Fakti*. Parliamentarians and businessmen Grigoriy Surkis and Victor Medvedchuk have major influence over UT-1 and Kyiv TV company TET, as well as national newspapers *Kyivskie Vedomosti* and *2000*.

The primary news source for most Ukrainians is television, and the only television network with a completely national reach is the state-owned UT-1. Private networks reach nearly all parts of the country, and there are local stations in all areas of the country. Larger cities generally have at least a dozen weekly (or daily) newspapers, published from a variety of viewpoints. Rural areas and smaller towns are not served nearly so well by newspapers, and local news can be hard to come by in the media.

Although there are many news sources available in Ukraine, few are objective and reliable. As a result, audiences are not sure what to believe. State-owned media are seen, rightfully so, as being completely biased towards the government and, according to one panelist, have "recently engaged in the worst kinds of heavy-handed propaganda." Another panelist said, "State TV provides a forum only for the president or for his favorites." But many privately owned media outlets are little better. Many are controlled by political forces, and others simply lack the professional expertise or desire to do a good job. But even those that strive to broadcast or publish balanced news rarely succeed, because news in Ukraine is seen as a mix of opinion and facts, panelists said.

According to the national poll of the Ukrainian Centre of Economic and Political Research (Razumkov) of December 2000, 31.5 percent of Ukrainians get information from national newspapers, though only 6.3 percent trust them; 39.6 percent read the regional papers and 14.7 percent trust them; 64.7 percent of Ukrainians use national TV channels as major sources of information and 11.6 percent trust these; and 44.8 percent of Ukrainians use regional TV channels and 12.1 percent have trust in them. So, it seems that regional newspapers are the most reliable source of information for people.

According to another survey, conducted by SOCIS-Gallup, about 70 percent of adult Ukrainians say they read a newspaper at least once a week. If that is correct, they are not all buying the newspapers, as total newspaper circulation is far below that percentage. Newspapers generally cost the equivalent of 5 to 20 cents (USD) per copy at newsstands, which is expensive for most Ukrainians. Readership and subscriptions lists have dropped dramatically over the past decade as the purchasing power of most people has been eroded by inflation and economic dislocation. One result of that is that people who used to read several newspapers, which could give them information and opinion from different points of view, now can afford to buy only one newspaper.

No more than 5 percent of Ukrainians have Internet access, according to a 2000 survey, and there are no good figures available on how many have Web access and how many simply have e-mail. In any case, Internet access is concentrated mostly in larger cities, especially in Kyiv. There are a wide variety of Internet news sources available, but most people have no direct access to them, as no more than 4 in 5 Ukrainians know how to use a computer. However, many newspapers and broadcasters, unable to afford commercial wire services, take news from various Internet sites and print the material, so that the Internet news sites do reach a broader audience. Internet news sources are generally no more reliable in objectivity than are other Ukrainian media; many are of a decidedly opposition viewpoint, and while that does

provide a counterpart to the pro-presidential media, it does not make them objective, independent, or accurate. Panel participants agreed that only a very small percentage of the population uses the Internet, although the number is growing rapidly. Expense is a major barrier, as an Internet-capable computer can cost a year's salary for many people. Internet cafes are cheaper than in the West, but still prohibitively expensive for people who might want to browse for news, and much more expensive than a newspaper. It is possible to find foreign newspapers in the larger cities of Ukraine, but they are mostly in English or German, and are thus incomprehensible to most people. They also are prohibitively expensive. Libraries generally do not carry foreign newspapers.

Thousands of publications are registered in Ukraine (a somewhat smaller number are published on a regular basis) and they do cover a wide range of interests. But many are niche publications, and their interests, whether they be ethnic or other minorities, social issues, specific professions, or political outlooks, are usually covered poorly, if at all, by the media in general. Newspapers tend to concentrate on politics, crime, and entertainment, rather than putting the spotlight on broader societal issues. TV news is heavy on politics, with most coverage based on meetings and interviews with politicians. For all media, politics is covered as a sport, with the politicians ranged against each other in a fight for winners and losers, and little attention paid to how their actions will affect ordinary Ukrainians.

Most broadcast news is in Ukrainian, and newspapers are widely published in Ukrainian as well as Russian, although, for national media, Russian-language papers are dominant. There are small minority-language papers, often supported by the state, for the Bulgarian, Romanian, German, Jewish and Tatar communities, among others.

Newspapers from Russia, which millions of Ukrainians wouldn't consider "foreign," are widely available. Many major Moscow newspapers publish Ukrainian editions, which include some local news but are largely reprints of material first published in Russia. The Ukrainian government does not restrict access to international media, but has threatened to enact laws that would limit Russian media. This is cloaked as a taxation issue, but is clearly aimed at minimizing Moscow's influence in Ukrainian politics.

There was a concern among panelists that the number of Ukrainian-language publications compared to those in Russian is decreasing. This trend could contribute to making the official state language—Ukrainian—a minority language. Although the majority of the publications in Russian are done in Ukraine by Ukrainian journalists, there are quite a few papers and magazines imported from Russia—mostly from Moscow. MSI panelists also noted that TV channels from Russia are available across Ukraine and are very popular. They also noted that those Russian channels have, in the past, engaged in election propaganda and otherwise tried to influence policies in Ukraine, which is a sovereign country, although some Russians may not agree with that characterization of Ukraine.

There are a variety of independent (as well as government-controlled) news agencies in Ukraine. The biggest—UNIAN, DINAU, and Interfax-Ukraine—all have political allegiances that can be seen in the copy they choose to transmit to subscribers. UNIAN, for example, is pro-parliament (and has received investment from some influential parliamentarians), while DINAU, the state news agency, is clearly pro-presidential. The former head of Interfax-Ukraine is now President Kuchma's press secretary, and his former agency receives much exclusive information from the presidential administration and also displays a clear bias in favor of Kuchma. One severely limiting factor is that few newspapers can afford to subscribe to UNIAN or Interfax-Ukraine. DINAU is the wire service of choice of state-owned newspapers. International agencies such as AP, Reuters, Agence France Press and Deutsche Presse Agentur all have staff members in Ukraine and provide coverage of the country, but they have virtually no subscribers among Ukrainian- or Russian-language papers or broadcasters in the country, due to prohibitive rates. The two major independent news agencies (UNIAN and Interfax) are expensive but rather pluralistic, one panelist noted. However, other people said, few newspapers subscribe to those services, so most of the public does not have access to their reports. Instead, newspapers and broadcasters

take news from Internet web sites, because that news is free. So the Internet journalists have much wider readership than statistics on Internet usage would lead one to believe.

Ukraine has no such thing as public television or radio. Government-owned media are exceedingly partisan and serve the interests of the president and his allies—or, in some cases, of other government officials whose offices control those particular media outlets. For example, the parliamentary newspaper fawns over the parliament, while giving a critical view of the president. TV's national Channel One, the government-owned, nationwide network, is blatantly partisan and unreliable as a source of complete, fair, accurate, or objective information. However, because it blankets the country and is the only station that many people receive, it is highly influential. "Unfortunately, public media reflect only the interests of those who own them, and because of this they do not offer a wide spectrum of views," said one panelist. Because media are so one-sided, a citizen must "surf the airwaves and buy at least five newspapers" to get a general overview of what is going on in Ukraine. In many places, that simply is not possible. Although panelists noted that most Ukrainian cities are blessed (or plagued) with a large number of newspapers, many people cannot afford to buy even one. And while Kyiv, Lviv, and other large cities have multiple TV channels and cable TV, other areas have no cable and poor reception of any broadcast channels. Cable radio—with a limited number of stations, all chosen by the government, which controls the cables—is still prevalent in rural Ukraine, and even in the largest cities most apartment houses are wired for cable radio. Because of poverty, many people cannot afford to buy other radios, and thus their listening is limited to those that come over the wire.

Increasingly over the past few years, more and more of the privately owned media have come under the control of oligarchic clans, usually closely aligned with President Kuchma. These media also spout the pro-presidential line almost without exception. This is now true of virtually every national or Kyiv TV station and most national newspapers. The trend toward oligarchic ownership of media began in Kyiv, but spread to other major cities and is now reaching into the smaller cities. For example, politically well-connected industrialist Rinat Akhmetov from Donetsk recently bought several newspapers in his home oblast, as well as the newspaper *Segodnya* in Kyiv. Political interests other than those of the oligarchs or president also place great value on owning or controlling media outlets, because of their value as disseminators of election propaganda. With far too many media outlets for the market to support, it is easy for politicians to find outlets looking for, or willing to accept, sponsors or new owners in exchange for infusions of money providing financial stability and security. Even outside of election-campaign periods, though, Ukrainian media, regardless of ownership, have a strong tradition of selling their news holes to politicians or businesses, either for puff pieces or to sling mud at opponents and rivals. Journalists see this more as an issue of economics (the only way to make money) than of ethics.

Independent broadcasters in all areas of the country produce their own news programming. Privately owned broadcasters usually have programs of better quality—more facts, more sources, more objectivity—than state-run stations, but there is still vast room for improvement. Few stations, whether in Kyiv or the regions, are free from political partisanship, based on the ownership or patronage under which the station operates, and that does affect the tenor and quality of their news coverage. It is important to stress "ownership" or "patronage" rather than just saying that ownership is crucial, because there is no transparency of media ownership, or of the ownership of virtually any business in Ukraine. Journalists at Kyiv newspapers and TV stations know who their "krisha"—the political protector and patron—is, but that doesn't mean that that person is also the owner of the media outlet, and journalists usually do not know who the real owner is. It often is possible, by looking at coverage, to tell which papers or stations are aligned with which oligarchs or politicians. Because of the murky ownership situation, and the fact that virtually all media have an unstated political bias, the public's confidence level in the information they receive from media is very low.

There is little foreign ownership of media in Ukraine, with the exception of Russian investors and various off-shore owners (presumably Ukrainians and Russians) from havens such as Cyprus or the Caribbean islands. Only one Western media company, Norway's Orkla Media, has invested in Ukrainian

newspapers, and they quickly sold one of their two papers for a loss after despairing of being able to reform the newspaper's tradition-bound staff. Other Western companies have looked at investing in Ukrainian newspapers, but have declined to do so, citing the murky and ever-shifting political, tax, and economic situations, as well as the weak protection offered by the Ukrainian legal system, and the weak economy in general. There is more investment in television—where there is more profit to be made—but, again, most of the foreign investment is Russian.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

To the limited extent that independent media exist in Ukraine, they usually are not efficient, professional, or profit-generating businesses. The newspaper market is over saturated, making it difficult for any one newspaper to make enough money through advertising and circulation to support itself and turn a profit. Most media managers have little or no management experience or training; most are journalists who have been promoted beyond their professional competence. They often are smart, ambitious, and creative people, but lack the background and education that would allow them to succeed in their jobs. All panelists agree that Ukrainian media are, from a business point of view, in a sorry state. The factors mentioned were: 1) over saturation of market by newspapers, radio, and TV outlets; 2) a very weak ad market that makes for great dependence on owners; 3) most media receive some form of government subsidy, be it reduced postal rates, rent discounts, tax breaks, or social benefits.

The Ukrainian economy, although finally growing, is still weak, and remains moribund in many areas of the country. Attracting paying advertisers is difficult for most newspapers. The group agreed that at the same time, widespread poverty has put a daily or weekly newspaper beyond the budget of many ordinary Ukrainians. Thus, the two standard revenue streams for newspapers are little more than a trickle for many regional publications. Few media outlets even have and follow business plans, the panelists agreed. That opens the door to sponsorship by business or political interests, which want the newspaper not for its business potential, but as a mouthpiece or propaganda tool. Thus, for financial security, editorial independence often is sacrificed.

Newspaper distribution remains in the hands of two organizations: the post office handles home deliveries of subscriptions, and Soyuzpechat, a quasi-privatised organization in most cities, controls most press kiosks and single-copy distribution. Both organizations have the potential to interrupt distribution of newspapers that displease or are threatening to their controlling interests (that is, the government, particularly the presidential and local administrations). More disturbing to newspapers are the financial and management practices of the post office and Soyuzpechat. Both take advantage of their monopoly positions to charge high rates for their services, and both are slow in passing along to newspapers their share of revenues. Their accounting procedures also are opaque, and newspapers routinely complain that they are being cheated. Some newspapers do distribute their papers through private systems of kiosks, or at other retail outlets, and many also sell papers, at a discount (but usually for cash, not credit) to individuals who then hawk the papers on the street. To date, no newspaper (other than shoppers that deliver to every mailbox in an area) has attempted to take over its own subscriptions and to deliver the papers to subscribers without going through the post office.

In many oblasts, the government also has a monopoly on the printing of newspapers, but this is gradually changing. Without competition, government-owned presses have little incentive to provide good service,

reasonable prices, or modern equipment, and they don't. But several private newspapers — *MIG* in Zaporizhzhya; *Slava Sevastopolya* in Crimea, *Express* and *Visoki Zamok* in Lviv, *Kyivskie Vedomosti* and Blitz Inform Publishing House in Kyiv—have bought new printing presses, both to print their own publications as well as others. In one case, a Sevastopol newspaper is printing nearly 50 other titles, some from towns that are hundreds of kilometers away. The private printing plants tend to be well-managed and profitable; in fact, they frequently subsidize the very newspapers that own the presses.

There are scores of advertising agencies, both local and international, in Kyiv and other cities of Ukraine. There is most definitely an advertising market, and all kinds of goods and services are freely advertised. However, in Ukraine, print advertising runs a distant third to broadcast and outdoor (billboard) advertising. In large part because of tiny circulations, undesirable demographics (poor people) and because specifics of readership demographics are not usually available, newspapers have difficulty attracting business from major ad agencies. This is true in Kyiv, but even more so in provincial areas. Newspapers in some cities also have difficulty attracting advertisers because they are competing with TMC (total market coverage), ad-only publications. In some cities, these papers have exclusive agreements with advertising agencies, which then do not place ads in other newspapers. Most newspapers in cities of any size do work with advertising agencies, but because the advertising market as a whole is much weaker in the smaller cities and more rural areas, ad agencies are not as active in those areas. The quality of services and the professionalism of both ad agencies and newspaper advertising staffs often leave much to be desired. However, the skills of newspaper ad staffs have improved in recent years and, as the economy creeps upward, more advertising is appearing in newspapers.

Broadcast advertising does pay the bills for many TV and radio stations, although the market is nowhere near as strong as it is in Western countries. Many broadcasters also have only a limited number of advertisers, which could put them in a precarious position should that advertiser take its business elsewhere or stop placing ads. Many newspapers and broadcasters do not have (or if they have, do not use) rate cards to set standard prices for advertising. Additionally, much advertising (like many transactions in the Ukrainian economy) is paid for unofficially, in order to avoid taxes. Few nongovernmental media receive any state subsidies, although there are indirect benefits that they can receive. For example, some favored papers may have access to government printing facilities or newsprint at better prices. Some newspapers also receive lower rates from the post office for delivery. But, in general, nongovernmental papers are on an equal footing with each other, although not with their state-owned competitors.

Media generally do not effectively use market research to formulate strategic plans, enhance advertising revenue, or tailor their programming or publications to the needs and interests of their present or desired audience. Some media are conducting market research, but it usually is poorly done. Panelists discussed the fact that basic research and data needed to help support the business viability of media, such as broadcast ratings and newspaper circulation figures, are nonexistent or unreliable. The TV ratings system surveys fewer than 1,000 monitors throughout Ukraine, a country of about 50 million people. Newspaper circulation figures are rarely, if ever, to be relied upon, as editors and publishers admit that they often inflate the figures to make their publications more attractive to advertisers. But they then cannot tell prospective advertisers who are reading all those copies, or what the demographics of the readership are.

Advertising agencies and others also do little in the way of market research concerning print media. This is partly because the advertising market for print is so weak, and partly because circulations are so small as to often make such research more difficult and expensive than it is worth. Broadcast ratings are reliably and independently produced, and there are several companies that are monitoring the usage of various Web sites. But there is no system for monitoring newspaper or magazine circulation figures, and most newspapers greatly exaggerate their circulation, in the hopes of being able to charge more for advertising. The newspapers in the city of Zaporizhzhya have banded together and formed a local audit bureau of circulation, and in spring 2001 initial steps were taken by advertisers, ad agencies, and publishers to start a national circulation audit bureau.

But there is still a heavy dependence on financing by political and business players. “Newspapers, especially, cannot live without subsidies of one sort or another,” several panelists said. Some newspapers receive subsidies in the form of better conditions for postal transportation. This is not entirely limited to state-owned newspapers, but is done through a completely non-transparent government system of designating favored publications. This is widely seen as a reward for favorable coverage of the government.

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

The news media of independent Ukraine have not fared well in the area of working together for the common good. The Soviet-era Union of Journalists continues to be the only national association of journalists with any stature or recognition at all, and its prestige and effectiveness are, at best, minimal. Existing professional associations are weak and too intimidated to challenge government and business interests on behalf of their members, panelists said. One said, “There is a great reluctance (whether conscious or unconscious) on the part of journalists to band together to support one another—compared to recent events in Russia (NTV) and Yugoslavia.” Another said, “I find there has been little success in forming a professional association to protect journalists' rights: journalists are only interested in such an association when they are personally affected.” There are some local journalism associations that show promise and are active, including a few chapters of the Union of Journalists. The new national broadcasters association also was held up as a bright light in a dim field.

The Independent Association of TV and Radio Broadcasters was formed in 2000, but has not entirely proved its effectiveness at lobbying for the rights of all members. In fact, the executive director was ousted by the board in spring 2001 because they believed that he was using his position at the association to forward the interests of his own radio station—which had just lost its license in a dispute widely seen as political—over those of the membership as a whole.

In the print media, scores of local, regional, and national associations of newspapers, editors, reporters or publishers have been founded, and virtually all have faded from the scene without ever gaining widespread acceptance or showing any sign at all of effectiveness. There are some local associations that do serve the interests of members. Among them are a few oblast chapters of the Union of Journalists and the Economic Reform Press Clubs founded by the USAID-funded Ukraine Market Reform Education Program. But they are thriving in only a few oblasts, and appear to be largely driven by a few very active members.

There are few nongovernmental organizations that are active in protecting the rights of journalists or of free speech. Several human-rights organizations look at free speech and free press as part of their wider portfolios. Organizations focusing specifically on media are mostly aligned with (and funded by) foreign organizations. For example, the IREX/ProMedia Legal Defense and Education program is funded almost entirely by USAID and is a creation of the USAID-founded ProMedia program. Similarly, the Institute for Mass Information is affiliated with and partially funded by Reporters Sans Frontieres. Some media associations, such as the Union of Journalists or the Crimean Union of Independent Journalists, speak out on press-freedom issues, but rarely if ever take any action. The ProMedia legal defense program is the only one that regularly provides tangible support to journalists and media outlets, although the broadcasters' association also has a lawyer on staff that can advise members when legal problems arise.

ProMedia also is one of the few organizations involved in lobbying for changes in media laws or in the way the court system handles media cases. While speaking in general, rather than specifically of professional journalism associations, panelists were upbeat about the situation with nongovernmental organizations. “There is a good trend in development of the third sector,” one panelist said.

Journalism education in Ukrainian universities is abysmal. The curriculum has changed little since Soviet days, and there continues to be a heavy emphasis on theory and the use of media to indoctrinate, rather than to inform and educate. Most journalism professors are career academics with little or no hands-on journalism experience. The universities also are grossly underfunded and have virtually no equipment for students to use. Even textbooks, bad and outdated as they are, are in short supply in most universities. “There are conservative teachers, but progressive students,” one panel member said. Panelists agreed that most university education for someone wanting to be a journalist is irrelevant, and the curriculum lacks practical training and provision of basic knowledge in law, economics, and political science. They stressed that practical training and internships are virtually nonexistent, but even when they do exist, the students’ work experience often teaches or reinforces unwelcome journalistic habits, rather than putting them on the right path.

Short-term training for journalists and other media professionals is provided by a handful of organizations, mostly with foreign funding. IREX/ProMedia, Internews, the Ukraine Market Reform Education Program, BBC World Service Training Trust, the Academy of Ukrainian Press, the European Institute for the Media, and the Institute for Mass Information all provide training in the media sphere. “Most organizations which really help are based on foreign money,” a panelist said. But their efforts, some panelists said, are not focused enough to make a real difference and, in any case, are not broad enough, because good journalists working for corrupt owners still will not be able to publish good journalism. “U.S. and other foreign efforts to support independent media are dwarfed by financial outlays from business interests/oligarchs,” one panelist said. Some organizations, not on the ground in Ukraine, also provide occasional training. They include Sweden’s Further Education of Journalists (FOJO), the World Association of Newspapers, and Article 19. Newspapers and broadcasters usually are willing to free up their staff members for such training opportunities, but that is not always the case, particularly for longer training events. Because media outlets tend to be short-staffed, it can sometimes be difficult for a newspaper or broadcaster to give time off to employees to attend trainings, as that leaves a temporary staffing hole that must be plugged.

On a local level, some associations of journalists, and even informal groupings of journalists, try to provide some training for themselves and their peers. Sometimes they do this themselves; at other times they seek the assistance of the groups mentioned above to do training on their behalf.

There is no national circulation audit bureau monitoring the press runs or circulation claims of newspapers and magazines, although in the city of Zaporizhzhya several newspapers have banded together to form a local audit bureau in order to keep each other honest.

Newsprint is freely available, although costs vary widely and many newspapers say that the few companies supplying newsprint in Ukraine effectively have a monopoly that allows them to set prices as they wish. While lack of transparency is a hallmark of Ukrainian business, it is widely believed that the paper industry is controlled by a handful of oligarchs. Paper is imported from other countries, but Ukrainian taxes can make it very expensive. For example, Russian newsprint is sold in the United States for about US\$600 a ton. In Ukraine, Russian newsprint costs upwards of US\$800. Any effort to form a cooperative to buy newsprint in volume at discounted prices would fail, newspapers say, because the suppliers know that they can get away without offering any such discounts, as no other supplier would undercut them if they refused to bargain.

Printing presses are still mostly in government hands, and are often aged and of poor quality. However, within the past few years a number of high-quality, full-color printing presses have been purchased and

put into operation by private publishers. Some newspapers have abandoned their local presses and are willing to drive hundreds of kilometers a week to deliver pages to and pick up their press runs from these privately owned presses. For example, *Slava Sevastopolya* bought a color press and is now printing more than three-dozen other newspapers from across Crimea and even from beyond the Crimean peninsula. The state-owned printing presses are not at all free from political pressure, and there have been numerous cases of opposition or other newspapers being refused permission to use those presses. Sometimes the pressure is disguised, such as when a sudden power outage will prevent a paper from being printed, or when “technical difficulties” suddenly arise or a fatal error is found in a contract. Private printing presses also can be subjected to pressure, through tax audits, fire inspections, or other methods. This pressure is applied to the printing plants, even though the actual target might be a different newspaper that uses the plant.

Channels of media distribution are not generally in private hands, and are not apolitical. State newspapers or other favored titles often receive preferential treatment from the post office or the newspaper-distribution kiosk system. The government has on numerous occasions, particularly during election campaigns, prevented some broadcasters from using state-owned transmission towers, and the procedure for getting permission to broadcast is not at all transparent.

List of panel participants

1. Tim O'Connor, American, resident advisor of the IREX ProMedia/Ukraine program since 1997.
2. Oleg Khomenok, Ukrainian, director of the IREX ProMedia/Ukraine Crimea press center since 1997.
3. Natalya Petrova, Ukrainian, staff lawyer for the IREX ProMedia/Ukraine Legal Defense and Education Program since 1999.
4. Peter Sawchyn, American, press attaché at the U.S. Embassy in Kyiv.
5. Vadim Kovalyuk, Ukrainian, press assistant at the U.S. Embassy in Kyiv.
6. Boris Potyatynik, Ukrainian, journalism professor at Lviv State University.
7. Valery Ivanov, Ukrainian, president of the Academy for Ukrainian Press and long-time journalism professor in Kyiv.
8. Sabine Stohr, German, press attaché at the German Embassy in Kyiv.
9. Konstantin Kvurt, Ukrainian, deputy head of program at Internews Ukraine.
10. Maria Dotsenko, Ukrainian, staff member of democracy office at USAID in Kyiv.
11. Marta Kolomayets, American, director of the Ukraine Market Reform Education Program, which works with Ukrainian journalists.
12. Ihor Slissarenko, Ukrainian, TV channel 1+1 morning news anchor and Assistant Professor of Journalism at Kyiv State University. (Slissarenko completed the questionnaire, but a last-minute schedule conflict prevented him participating in the panel discussion.)

Panel moderator

Michael Andersen, Danish, social scientist who has lived in Lviv and Kyiv for the past several years, working as a journalist and university teacher.

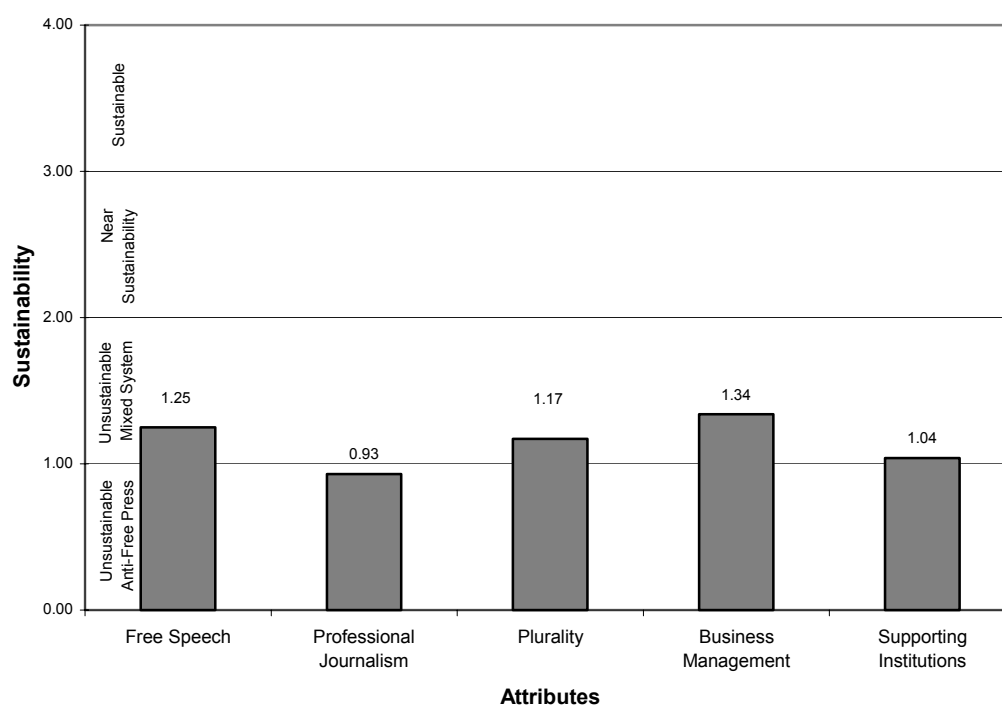
Uzbekistan

Introduction

At present, publishing in Uzbekistan is concentrated almost exclusively in the nation's central publishing offices, which control 124 newspapers and 131 magazines. There are also newspapers and magazines published by province, municipal, and district printing centers. Most newspapers and magazines are published in the Uzbek language; however, there are also newspapers and magazines in Russian, Tajik, Korean, and other languages of national minorities. The country has four national television channels: two of them (UzTV-1 and UzTV-2) cover the entire territory of Uzbekistan. The most popular Uzbek radio stations are Yoshlar, Mash'al, and Uzbekiston. At the same time, radio stations broadcasting on the FM band recently have begun to develop vigorously, especially in large cities. The program content of FM radio stations is chiefly entertainment.

The participants in the panel discussion agreed that an alternative non-government press that could offer an independent view of current events is nonexistent in Uzbekistan. During the period of relative political pluralism in 1991 and 1992, political parties and opposition movements (Birliq and Erq) had their own printed publications. However, the ousting of the opposition from the political arena, the exile of its leaders, and the rapid strengthening of Islam Karimov's personal power has made all mass media uniform. This particularly concerns news-producing media: today, there are neither electronic nor print media that express views different from the official state position.

Media Sustainability Index - Uzbekistan



Scoring System

0 = Country does not meet indicator; government or social forces may be actively opposed to its implementation.

1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.

2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.

3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.

4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

Above 3: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government not fully supportive

0-1: Country meets few of indicators and government/society actively opposing changes

The lack of diverse media sources does not seem to concern the majority of the population, 65 percent of who live in rural areas. Because most people are poor and newspapers and magazines are expensive, it is very difficult for those living in small towns and villages to receive reliable information about domestic events and developments. The recent activism of extremist movements acting under the slogans of radical Islam, combined with the even greater power of the current political regime, has resulted in the formation of two large media groups: (1) mass media directly or indirectly controlled by the government, which produce official reports on events, and (2) non-government media with an entertainment profile. Panelists generally agreed that draconian government control over the media, maintained through near-total censorship by the State Press Committee, is the main cause of the unstable media environment in Uzbekistan. Government censorship is complemented by the self-censorship of journalists and editors who fear for their safety or salary, among other things.

MSI panel members voiced their dissatisfaction with media developments in the country. According to the panelists, the condition of Uzbekistan's media has not only stagnated, but is actually deteriorating. Some assessed the level of the media today as equivalent to that of the 1960s and 1970s when, under control of Soviet censors, "inflated reports of cotton harvests" were the norm. Participants explained that the term "independent media" is not applicable in Uzbekistan's current media environment, as no such media exist. The journalistic milieu is rather conservative, and journalists generally do not protest encroachments upon their freedom of speech, as silent acceptance ensures that they will not fall victim to crime (assassination, kidnapping, etc.). By denying themselves the professional right to freely research, collect, and distribute information, journalists essentially buy themselves an undisturbed existence. These limitations on journalistic freedom, along with low salaries, have resulted in the declining prestige of the journalism profession and a lack of competition in both enrollments in journalism schools and media employment. Television may be the one exception, as salaries and prestige at TV channels are considerably higher than in print media.

The entire Uzbekistani mass media system is modeled on the practices of the Soviet era. It might seem that the public's passivity should have rendered the printed word moot, but the reality is different: officials, on the one hand, ignore the media, but on the other, feel insulted by publications presenting them in a negative light. According to panel participants, developments over the last ten years have brought the journalism profession to a state of complete degeneration. Journalists not only neglect to observe any ethical standards adopted by their foreign colleagues, but they sometimes do not even possess

a clear understanding of the basics of their profession. Uzbek-language journalists, for example, sometimes receive money or presents for producing “made-to-order” publications.

Attribute #1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

The Uzbekistani constitution provides a legal basis for freedom of speech and the press. These laws, however, are either not enforced or are circumvented by various means. MSI panelists pointed out that conflicting articles of the constitution facilitate media censorship; one article prohibits censorship, while another indirectly introduces possibilities for exercising censorship. Violations of freedom of speech either go unknown or are hidden from the general public, because the government strictly controls all mass media. Moreover, most people remain indifferent to such violations and do not perceive them as an encroachment on their rights and freedoms.

Panelists agreed that the legal status of Uzbekistan’s mass media at present is ambiguous and controversial. In fact, a censor’s permission is required to publish any information in the press, or to broadcast it on television or radio. Panelists explained that “Freedom of speech is guaranteed by the constitution. There are several national laws that assert that censorship is prohibited in the country, and guarantee this very freedom of speech. However, there is a huge discrepancy between word and deed. There is a special commission for the protection of national secrets, whose members read through all materials in every issue of a newspaper or magazine and stop the publication of any material that appears subversive to them. Even in former times, I never saw such blatant censorship. There seems to be, however, little public resentment of this violation of the freedom of speech.”

This situation is partly due to the existence of contradicting articles in the constitution; Article 67 stipulates that censorship is not allowed, but Article 29 indirectly introduces the possibility of exercising censorship. Naturally, government officials interpret this contradiction to their benefit, said panelists. “Despite the existence of several media laws prohibiting censorship, in reality censorship does exist and is carried out by an inspector from the GosKomPechat [State Press Committee]. Without his sanction, not a single newspaper can be issued. His function is to prevent national secrets from leaking out, but a document specifying what qualifies as a national secret is missing. Actually, any information that displeases the authorities can be made to fit the national secret category. The presence of censorship entails the emergence of self-censorship.”

In Uzbekistan, there are no specific legal mechanisms that protect the public and journalist against violations of freedom of speech, because all entities involved are closely interconnected. This leads to a feeling of insecurity and fear. “These days I am not sure what one can write about,” said one panelist. “There are many organizations, such as the police, the prosecutor’s office and the like, that simply must not be touched, though these are the places where the abuse of power is the greatest.... Judging by the number of letters to the editors, one can say that today people mostly complain about law enforcement agencies.”

Panel participants believe that the general public is indifferent on the issue of freedom of the press and is not upset when it is violated. “Does freedom of speech have any value in our society? No, it does not, and society is very passive.... Journalists have no rights; newspapers are controlled by the authorities and serve them. The society is indifferent; openly expressed public opinion does not exist.” Very often these violations simply remain unknown to the general public. Even if these facts were known, the panelists believed they would be unlikely to cause much public protest. “The media have ceased to be a social institution. Therefore, the words ‘public resentment’ cannot apply. People don’t know what ‘freedom of speech’ is.... It is an alien term, so how can it be valued or not valued. Here ‘freedom of speech’ is professional slang. It is also a way to make money, to go abroad, to receive a grant.”

Many editors-in-chief are political appointees with good positions and privileges. Fearing the loss their position and privileges, editors censor even more drastically than the public censors. “Often editors-in-chief act more rigorously than censors do,” said one panelist. “It happened to me more than twice that my materials were approved by the censor, but the editor-in-chief was afraid to print them.... On television, editor-in-chief and censor are the same person. If you want to make at least some money, you would choose cultural and other such similar topics.” Often editors’ decisions are also influenced by such considerations as the interests of their own clan or relatives. Editors-in-chief of newspapers and other media live under obvious pressure and unscrupulous threats ranging from financial audit to the revocation of a license and a possible shutdown.

The State Press Committee issues licenses to publish newspapers or magazines. The panelists agreed that the licensing procedure could not be considered fair because there is not any competitive bidding. There are no laws that would seriously restrict the power of government officials to decide arbitrarily who should be given a license and who should be denied one. “In our attempt to open a private newspaper,” said a panelist, “we came to the GosKomPechat and were immediately told that we would never succeed. I showed them the law, which said that opening such a paper is not prohibited. Then I was told that there was an unspoken command from the top that a private individual is not allowed to open a newspaper. Unless you find a public “roof”—a ministry or a state-owned company—you will not succeed.” But even if a certain publication’s title were registered, it would not take much effort to close it. In the current situation, opening or closing a media outlet is left entirely to somebody’s [governmental] arbitrary judgment.

The case of closing an independent television company from Urgench, Khorezm Province, is illustrative of the situation in Uzbekistan. Two panelists said that this television company presented information about a national airline plane crash without obtaining approval. In a short time, the tax police and fire safety inspectors visited the company and meticulously searched for faults in the company’s operation until they eventually found them. Later, another accusation was invented: the director of the television channel received an official letter stating that the channel was covering events in Yugoslavia differently and contrary to the coverage of state television.

Although legal regulations guarantee opportunities for independent media to enter the market, these regulations are enforced inconsistently and arbitrarily for reasons already mentioned. Some panelists argued that because independent media do not exist in Uzbekistan, this could not be a subject of discussion: “The concept of independent media actually does not exist in the country, because printing centers and the authority to allocate broadcasting frequencies belong to the government.”

Since nearly every media “title” is partly or wholly state-owned, the mass media enjoy a number of tax privileges. This relieves media outlets of financial responsibility: for example, there is a waiver on the value-added tax. At the same time, media outlets do not practice sound financial management principles. For example, many papers are instructed in plain language not only what to write, but are also told from whom to buy paper and other printing supplies. The peculiarity of the situation in Uzbekistan is that the complete lack of freedom ensures a relatively quiet existence for journalists. No crime is committed

against journalists, unless daily violations of freedom of speech are considered a crime. There is no reason to kill or threaten journalists, as there are other methods to prevent unwanted publications.

Panel participants explained that mass media in Uzbekistan are organized and function very much as in Soviet days. For example, there is a newspaper founded by the Cabinet of Ministers, there are newspapers that belong to different ministries and agencies, and newspapers run by local governments. The hierarchy among these newspapers is defined as strictly as in the system of governance. A media outlet is allowed to criticize only those officials and institutions subordinate to its sponsor. For example, the newspaper published by the city government (khokimiyat) cannot criticize the provincial khokim or the ministers at the republic level. Such a newspaper is only in the position to criticize the city and district-level authorities that are subordinate to the city khokimiyat. Moreover, the content published in these newspapers, such as stories about the year's cotton harvest, is similar to the content previously reported in Soviet days.

According to the panelists, not all journalists have access to information; in fact, information is often completely inaccessible. Although there are no legal restrictions preventing access to important information, it is nevertheless extremely difficult to obtain. "According to the law, an official must respond [to a journalist's query] within 30 days," said a panelist. "But mine is a daily newspaper, and in 30 days I will not need this information, but the law is not violated." At the same time, even the possession of significant information does not always mean that it can be disclosed to the public. One panelist felt that Uzbekistan is lagging behind its neighbor Tajikistan in terms of access to information. "I recently visited Tajikistan, where I was able to obtain every piece of information I needed. I was surprised. If one tried to get such information here, it would probably take him a month. Here [the Uzbekistan officials] act on a principle not to stick their heads out. They think, 'what does this journalist have in mind? I'd rather not tell him anything than tell him something I shouldn't.'"

Given the rigorous censorship, authorities do not bother to restrict access to international news and news sources, said panelists: "The international television channel [UzTV-4] broadcasts CFI [Canal France International], BBC news and the Russian news programs Vesti and Vremya without cuts." There are several reasons for this. First, news that is not related to Uzbekistan is broadcast freely. Second, the cost of accessing these sources presents a natural barrier: the majority of Uzbekistan's population can neither access the Internet nor afford to buy international or Russian newspapers. Third, the low standard of living is another natural hindrance in people's search for news: most people are preoccupied with the mundane problems of survival.

Panelists pointed out that journalism, as a profession, is relatively free and accessible. Some asked the rhetorical question, "Why would authorities need to restrict access to the profession when its prestige in the country is very low, and people themselves do not want to become journalists?" Licensing of journalistic activity is conducted through the issuance of accreditation certificates. A disfavored journalist can easily lose his accreditation and thus find himself effectively banned from his profession.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

Panelists unanimously acknowledged that the quality of journalism in Uzbekistan is very low: "Journalism in Uzbekistan does not meet professional standards. There isn't the faintest sign of

journalistic ethics, balance, or impartiality. Only hypocrisy.” Some expressed the radical view that journalism never existed in the country. Others felt that at least on television, there are some well-trained journalists, but that they have not been allowed to display their skills to the fullest. The main problem for television, radio and newspapers, however, is the absence of alternative viewpoints: “When talking about the impartiality of reports,” concurred panelists, “one cannot say that all available local and international sources are used to verify the reliability of information.... Journalists do not strive to present the views of all parties involved. Reporting completely lacks balance of opinions. There is only one point of view: the issue must be covered in a positive light ... unless a special order is given to present the matter in a more critical way. Many reports are nothing but pure propaganda.”

When ethical standards in journalism were discussed, panelists expressed a variety of views. Some insisted that, in fact, no ethical standards exist in the journalistic milieu and that journalists can easily violate not only the professional, but also the general human code of conduct: “I do not think there are any ethical journalistic standards” said one panelist. “If a man has to be crushed, they [journalists] will crush him.” Others felt that journalism in Uzbekistan does not have the roughness and rudeness typical of journalism in Russia. Uzbekistani journalists write more softly and try not to insult the people they are writing about. At the same time, panelists noted, journalists do not adhere to principles recognized by the international community of journalists. For example, the principle of presumption of innocence is not always observed in Uzbekistan: journalists can easily label someone a criminal before the court has convicted him. They can bring parents of a suspect to tears and make them an object of derision.

Despite the low popularity and visibility of the print media, journalists sometimes receive money or presents for publications “made to order.” One panelist claimed that some journalists even brag about being paid for certain articles they have published. Another panelist explained that the tradition of made-to-order publications has its roots in the Soviet days, so it is not surprising that today it is blossoming as never before.

All panelists agreed that self-censorship exists. The main reason for this is that editors-in-chief fear being fired by appointed government officials who control a particular publication; journalists in turn are afraid of being fired by the editors-in-chief. To protect themselves, journalists resort to self-censorship, which makes it difficult to write or produce a television program. Said a panelist: “The main fear of an editor-in-chief is getting fired. And you don’t know how to navigate, because what is banned today may be allowed tomorrow.”

The presence of censorship automatically leads to neglect of coverage of events of paramount importance. All events are prioritized according to the order of importance established by the censoring bodies of the authorities. “Topics whose coverage could lead to an undesired outcome are avoided,” said panelists. “Information concerning national and regional security is 100 percent classified. One can write on this subject only on the basis of what the president has said.” Subjects concerning regional and national security are prohibited from being independently covered. Very often, it is impossible to predict what might please or displease the censors, and one can end up with an absurd situation, such as the suppression of information about compensation for victims of Nazism. One panelist gave a remarkable example: “Germans paid a lot of money to publish in all Uzbek newspapers information on how the victims of Nazism could receive compensation. The original text came ready from Germany and was accompanied by a photo showing people behind barbed wire. Unfortunately, all this was happening just before the visit of Islam Abduganievich to Germany, and our censors—despite the fact that the Germans had paid for the publication, prepared the text, and supplied the photo themselves—said literally: ‘Our people don’t need this’ and removed the material from *Pravda Vostoka*.”

Mass media are flooded with cheap “entertainment” that leaves no room for serious contemplation about social order, actions of the government, and other social issues. As one panelist explained, “The principle of the media management is to try to make fools of the population, to make a person stop thinking, to prevent any serious thoughts from coming into one’s head.”

Journalists' salaries are extremely low, so young journalists try to find jobs at television or radio stations, where one at least has the benefit of on-air exposure. Nobody applies for jobs at the newspapers: these jobs are not prestigious, are poorly paid, and are troublesome. "The only journalist who can be free here is one who has an alternative source of income," said a panelist. "My salary of 6,000 [soums] at *Tashkentskaya Pravda* is just for ice cream. I feel free only because I also earn money from *Kommersant*." (Six thousand soums can buy 4 kg of meat.) Journalists working for the print media try to find additional ways to make money, such as with another newspaper, preferably foreign, or by doing completely unrelated work.

Some panelists claimed that low wages are one of the main reasons why "made-to-order" articles appear. Even very little money can easily buy a newspaper journalist when he is asked to write an article: "Unfortunately, there are examples of journalists writing articles for money or blackmailing people by threatening to publish critical materials and extorting money from them," said panelists. Sometimes journalists or newspapers make money by refusing to write an article. In other words, someone will carefully explain to a potential target of criticism that if he pays, the article in question will not be published. All this motivates journalists to leave the country in search of higher pay and greater freedom of self-expression. Russia remains the main destination for those journalists who write in Russian. According to the panelists, the professional level of Uzbek-language newspapers is much lower than even the worst Russian-language newspaper.

Most of the media are explicitly entertaining. For instance, the two main television channels (UzTV-1 and UzTV-2) broadcast mostly "singing and dancing." Radio stations have gone even further: all FM stations are purely entertainment. Newspapers publish "official reports" rather than news. About 65 percent of the country's population lives in rural areas, where only two national television channels are available, with entertainment programs dominating, and it is extremely difficult to get information from other sources. Often people do not have money to buy newspapers; neither do they have decent radio sets to listen to programs on short-wave bands. In the given circumstances, about 75 percent of the population of small towns and villages are deprived of any objective and comprehensive information. These conditions provide a favorable environment for rumors.

The technical resources of the electronic and print media are very different. For example, television is relatively well equipped, and many radio stations have modern equipment sufficient to perform their operational functions. As for the print media, their situation is catastrophic. As one panelist related, "In our office of *Tashkentskaya Pravda*—a newspaper with a 50-year history—there is only one typewriter, which is maintained from my personal budget. . . . We have old computers that we use as typewriters or to play card games. Those computers were purchased at the dawn of the country's independence."

The panelists agreed that although one can occasionally encounter fairly good reports and programs on economic subjects, these are rare. When it comes to politics, neither good reporting nor journalistic investigation exists: "On-site reporting is practically nonexistent. Information from the site of events is provided chiefly from a press release. Information about decisions made is missing or limited to the statement that 'relevant decisions have been made.'"

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

Panelists believe that most private media in Uzbekistan focus on entertainment and do not offer much news programming: “We have only one news program, Akhborot, and only one point of view on events—the official one.” The private press also offers mostly entertainment and is generally expensive because the printing quality is better than that of other newspapers. A few panelists estimated that in rural areas, only one or two out of a hundred families could afford to buy private newspapers: “Experience shows that for the majority of the rural population, the only source of information is radio. Television sets are available in many homes, but because of frequent interruptions in power supply, rural residents do not watch TV programs regularly. And it is too expensive for them to subscribe to newspapers and magazines. There are no kiosks in the villages, and very few residents have Internet access. Unfortunately, many editorial offices also do not have Internet access, because they don’t have the right equipment. Therefore, we cannot say that multiple sources provide citizens with reliable, objective news.”

Naturally, residents of big cities (especially Tashkent) enjoy much greater access to mass media than do people living in small towns and villages. The key reason is the level of income, which is 4-5 times higher in the capital city than in small towns and villages. The largest proportion of Internet users is also concentrated in Tashkent. Most people in the villages have never even heard of the Internet, said panelists: “Access to local and international media is not limited. The only limitation is the price. The Internet, being so expensive, is accessible to few.” International media, though accessible to those who have the means, are not in demand by the majority. Western newspapers and magazines are rare and are sold mainly in hotels. Kiosks chiefly sell local and Russian newspapers and magazines. However, serious Russian newspapers (such as *Kommersant*, *Nezavisimaya Gazeta* or *Izvestia*) are hard to find. The “yellow press” dominates.

Journalists do not and cannot represent the entire political spectrum, since there is not a large difference between parties, and there is not any public political life to speak of. The Uzbekistani media clearly do not represent a multitude of political forces. Most newspapers look identical and represent only the “official” point of view.

There are three information agencies in Uzbekistan, of which the principal one is the Uza; it receives funding from the state budget and represents the official point of view. The second is Jakhon, which is also financed by the government, but specializes in the coverage of international events. The third information agency, partly governmental and partly independent, is Turkiston-Press. Although this agency is not funded from the state budget, it is controlled by government organizations. “Independent news agencies do exist in the country” said panelists, but these agencies “are in a very early stage of development, and they can hardly be seen as an alternative to the government news sources.” According to some panelists, editorial offices do have a choice of information agencies. This choice is limited, however, because all official information is based on the Uza’s version. In some cases, editorial offices also are obliged to receive information from Jakhon. Subscribers of Turkiston-Press are mainly commercial radio stations.

In principle, it is easy to find out who owns a certain media outlet, since every newspaper prints the name of its founder. As for the few non-government media, few citizens care to know who owns them because

this knowledge matters little to them. In Uzbekistan, one also sees print media in the Kazakh, Tajik, and Korean languages. These newspapers offer the same information as the central press. They are usually issued weekly and mainly discuss cultural problems of the national minorities. Radio and television programs for national minorities are mostly entertainment. If any newspaper dares to discuss national (ethnic) issues or to open a discussion on acute social problems, the days of its existence are numbered “People in Uzbekistan do not have a comprehensive knowledge about the owners of private media,” said panelists. “Mass media in the languages of national minorities do exist, but writing about social and political problems is something they never do.”

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

The capacity of printing offices is insufficient, as most of their equipment is obsolete. Large printing facilities belong exclusively to the government, and the small private ones are afraid to print anything but accounting forms. At the same time, printing offices are quite profitable. One panelist explained how this works: “Printing offices are profitable, but this is how they make a profit: they indicate one circulation number, say 10,000 copies, but actually print 15,000. Five thousand copies are then sold illegally on the shadow market.” Some popular entertainment newspapers are the exception. For example, *PressTIIJ* purchased good printing equipment in Russia and has achieved fairly good product quality. However, this newspaper does not offer reports, news or analytical articles—only a television program guide, entertainment information, and advertisements. Another case of success is the information and entertainment newspaper *Darakchi*, which has also purchased modern equipment and will install it soon.

Private individuals generally handle distribution of newspapers. Distribution is a lucrative business, and one can distribute almost whatever one wishes. As one of the panelists said, “If you have money, you have your own point of view.”

In recent years, advertisement has become one of the main sources of income for media outlets. Subscription fees account for no more than 20 percent of a newspaper’s budget, and the remaining 80 percent comes from advertising money. The advertisement business in Uzbekistan is at a very low professional level, said panelists: “Clients have no influence over editorial policy, because it is established at the top.” TV commercials break all internationally accepted rules and there are just too many of them. They advertise tobacco, alcohol, drugs, and toys. Sometimes advertising serves as an instrument for money laundering. The development of the advertising market is impeded by the lack of real competition.

Most newspapers do not order marketing studies. *PressTIIJ*, which has requested that such studies be conducted, is the exception. Television has a special “social survey” department that works mainly by mail; this constitutes a method that cannot effectively determine the ratings of programs or channels. A company called Internews Network determines ratings for FM radio stations.

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

Most of the panelists said that trade unions—not Soviet-era unions, but the modern variety—do not exist in Uzbekistan. There is also no journalists' association. The papers required for registering an association of foreign journalists were submitted to the relevant authorities six months ago and are still being reviewed. Trade unions operate jointly with the administration, whereas journalists and editorial offices are, according to the panelists, alienated from each other and unprotected. "Trade unions do not protect the interests of journalists or media outlets, and the professional association called the 'Sociopolitical Foundation for Democratic Development and Media Support in Uzbekistan' basically has no impact on the life and work of journalists. This foundation is entirely dependent on the government and makes no attempt to protect the freedom of speech."

Panel members agreed that no law-enforcement bodies or media-supporting NGOs exist in the country. Although for most NGOs freedom of the press is absolutely essential, not one is able to fight the government machine in order to protect this freedom. It is extremely hard for NGO activists to publish anything in the press, as most of it is under the government's strict control. "Nongovernmental organizations do make efforts to support freedom of speech and independent press," said panelists; "however, one cannot say that their reaction to any infringement of freedom of speech is that of an unleashed watchdog. The operations of these NGOs are limited mostly to large cities."

Panelists reported that approximately 60 students are studying journalism at Tashkent State University, and for 25 of them the language of instruction is Russian. Graduates are not likely to seek employment as journalists unless they fail to find a job in another area; they are generally more willing to work in television than in the print media. Most panelists believe that the qualifications of journalists are poor. In their experience, journalism school graduates do not have in-depth knowledge or skills in news production; nor do they have a sense of journalistic priorities and principles. "I graduated from university [in journalism] in 1996 and can judge from my own experience," said a panelist: "I did not have the slightest idea of what journalism was. They could not teach us anything. All sorts of people work in the media, very often totally unfit for the job."

Some panelists mentioned that there is a training center in Tashkent for working journalists, which offers short-term courses. The Internews Network, an international organization, also provides training programs. However, more often than not, the knowledge gained at these courses and training programs cannot be applied due to censorship. Panelists felt that it is useless to train journalists in modern journalism if they cannot publish new articles or air improved programs.

List of panel participants

1. Galima Suleimanovna Bukharbayeva, Agence France Press, country reporter, London Institute of War and Peace Research, Project Manager in Uzbekistan
2. Sergei Alexandrovich Yezhkov, *Pravda Vostoka* newspaper, Head of legal department
3. Marfua Saidumarovna Tokhtakhojayeva, Women's Resource Center—Public Association of Women of Tashkent, Chairperson
4. Saodat Khamrayevna Khaitova, Television & Radio Company of Uzbekistan “Mezhdunarodniy Kanal” (TV-4), journalist-translator
5. Alexander Mikhailovich Khamagayev, International Radio of Tashkent, Editor of broadcasts for Afghanistan
6. Elparid Makhsumovich Khojayev, Photopress Information Agency, Editor-in-Chief
7. Yuriy Alexandrovich Chernogayev, *Tashkentskaya Pravda* newspaper, Head of department: *Kommersant* newspaper (Russia), Correspondent for Central Asia; *Darakchi* newspaper

Observers

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